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CONTAINING

- I. REPORT BY THOMAS TUCKER UPON THE SETTLEMENT OF THE REVENUES OF EXCISE AND CUSTOMS IN SCOTLAND, A.D. MDCLVI.
- II. REGISTER CONTAINING THE STATE AND CONDITION OF EVERY BURGH WITHIN THE KINGDOM OF SCOTLAND, IN THE YEAR 1692.
- III. SETTS OF THE ROYAL BURGHS OF SCOTLAND.

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PREFACE.

THE documents collected in this volume afford much information as to the condition of the royal burghs of Scotland in the latter half of the seventeenth century, and as to the constitution of these burghs in the early part of last century. The following particulars are offered as to the circumstances under which the several documents were prepared.

I. THE REPORT BY THOMAS TUCKER.

Within a month after the hopes of the royalists had been shattered at the battle of Worcester,—fought on 3d September 1651, the first anniversary of the battle of Dunbar,—the parliament of England referred to the Council of State to "consider of fit persons to be sent as commissioners into Scotland; and the number of them; and, likewise, of instructions to be given unto them for the managing of the civil government, and settling affairs there, as may be best for the advantage of this Commonwealth."[1] Under that reference, the council, on 23d October 1651, recommended that Oliver St John, Lord Chief Justice of the Common Pleas; Sir Henry Vane, jun., Knight; Major Richard Salwey; Colonel George Fenwick; Major-General John Lambert; Major-General Richard Deane; and Robert Tichburne, Alderman of the City of London, should be sent as commissioners;[2] and on the same day the recommendation was approved of by parliament.[3] The preparation of the instructions to be given the commissioners appears to have engaged the attention of the council till the beginning of December, when the instructions were reported to parliament, and on 11th December a commission under the Great Seal was ordered to be prepared in favour of the several persons above named, with the addition of Lieut.-General George Monk.[1] In the following week the Lord Chief Justice, Sir Henry Vane, jun., Col. Fenwick, Major Salwey, and Alderman Tichburne, appeared before parliament and received their commissions and instructions from the hand of the Speaker, as well as copies of declarations to be sent into Scotland.[2] On the 25th of the same month these commissioners began their journey northwards,[3] and on 15th January 1651-2 reached Dalkeith, where the castle belonging to the Earl of Buccleuch was prepared for their official residence.[4]

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[1] 26th September 1651. "Acts of the Parliaments of Scotland," vol. vi., pt. ii., p. 770.

[2] *Ibid.*, pp. 746-770.

[3] *Ibid.*, p. 770.

On 4th February the commissioners caused proclamation to be made, that in the exercise of powers conferred on them by the parliament of the Commonwealth of England, they were to institute courts of law, and take other measures for the establishment of good government and the welfare of the people.[5] Seven days later proclamation was also made of a declaration of the parliament concerning the settlement of Scotland, in which it was, *inter alia*, set forth—

> "As to what concernes the freedome to be established to the people there, and the security to this Commonwealth to be had for time to come, that Scotland shall and may be incorporated into, and become one Commonwealth with this of England; whereby the same government that is established here, and enjoyed by the good people of this nation, under the free State and Commonwealth of England, as now settled, without King or House of Lords, may be derived and communicated unto them, with such convenient speed as the same can be made practicable amongst them."[6]

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[1] "A. P. S.," vol. vi., pt. ii., p. 771.

[2] 18th December 1851. *Ib.*, 771. These appear to have been the declarations made by parliament concerning the settlement of Scotland, of which 2000 copies were ordered by the Council on 16th December 1651 to be printed "with all possible secrecie," so as to be sent into Scotland. *Ib.*, 746.

[3] "Nicoll's Diary of Transactions in Scotland," p. 73. Their journey was made by land, and they stayed three or four days at Berwick. "Whitelock's Memorials," iii., 384. On 28th September 1653, the Council of State ordered "the two travailing coaches which were prepared for the journey of the commissioners into Scotland" to be delivered to Mr Daniel Earle, for the use of Lord Whitelocke, appointed ambassador from the Commonwealth to the Queen of Sweden.—"A. P. S.," vol. vi., pt. ii., p. 751.

[4] "Nicoll's Diary," p. 79. Monk was in Scotland at the time of his appointment. Lambert and Deane appear to have proceeded to Edinburgh before the other commissioners, and to have been there in December.—"Whitelock's Memorials," vol. iii., p. 371.

[5] This declaration, which was signed by all the commissioners, and dated 31st January 1651 (1651-2), was proclaimed at the market cross of Edinburgh,—"the cross being hung with rich tapestry, and eight trumpeters thereon sounding on the silver trumpets three several times before the proclamation, and another crying three oyesses before the same."—"Nicoll's Diary, p. 79.

[6] 11th February 1651-2. "A. P. S.," vol. vi., pt. ii., p. 810. "Nicoll's Diary," p. 81.

In pursuance of the policy of union thus offered, the commissioners submitted propositions to the several shires and burghs, requiring them to state specifically in writing (1) whether they accepted the union and settlement tendered, (2) whether they would in the meantime live peaceably under and give obedience to the authority of the parliament of the Commonwealth of England exercised in Scotland, and (3) what they conceived requisite for bringing the union and settlement to effect with speed and best satisfaction to the people of Scotland. Full and clear answers to these propositions were asked to be returned to the commissioners before a specified day; but it was explained that if the two first questions were assented to, the deputies of the shires and burghs might take more time for perfecting what they had to offer concerning the last.[1] The proposals of the parliament and commissioners seem to have been strenuously opposed by the Scottish ministers, as being contrary to the League and Covenant, and heavy judgments were pronounced from the pulpit in the several parishes against all such as should assent to the proposals, while blessings were invoked on those who should oppose them. Nevertheless the deputies of twenty-eight of the thirty-one shires and stewartry, and forty-four of the fifty-eight burghs, assented to the proposals.[2]

Major-General Lambert and Lieut.-General Monk proceeded to London by command of the parliament on 16th February 1651-2,[3] and were followed thither on 2nd March by Sir Henry Vane and Col. Fenwick. On the 16th of the latter month Sir Henry Vane reported to parliament the whole proceedings of the commissioners, and from his report it appears that the deputies of the following burghs had assented to the union, viz.:—Edinburgh, Dundee, Aberdeen, Montrose, Brechin, Forfar, Arbroath, Crail, Banff, Perth, Haddington, Dunbar, North Berwick, Linlithgow, Queensferry, Wigton, Dumbarton, Stirling, Rutherglen, Cullen, Burntisland, Anstruther, Elie, Pittenweem, Kinghorn, Cupar, Kilrenny, Anstruther Easter, Inverkeithing, Culross, Lanark, Rothesay.[4] Parliament thereupon approved of the proceedings of the commissioners, and voted them thanks for their great pains and care.[1] Two days after Sir Henry Vane made his report, parliament resolved, (1) that an act should be brought in for incorporating Scotland into one Commonwealth with England, (2) that it should be declared in the act that, upon the union, Scotland should have power to elect members to serve in the parliament of England, in such proportions and at such time as parliament should think fit, and (3) that such of the shires and burghs as accepted the tender of union should be authorised to elect a certain number of persons, who should be empowered to elect a fewer number of deputies to represent all the shires, and a lesser number to represent all the burghs; which deputies should repair, by a certain day, to such place as parliament might appoint, with full power on behalf of Scotland to effect the premises. It was at the same time ordered that the members of the council of state who were members of parliament should prepare the bill and report it to the house.[2] The preparation of the bill was on the same day referred by the council to a committee, consisting of Sir Henry Vane and five other members,[3] and on 13th April 1652 the bill was reported to parliament, read a first and second time, and committed.[4] The further progress of the measure seems to have been delayed for some months.

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[1] "Nicoll's Diary," p. 83.

[2] "A. P. S.," vol. vi., pt. ii., p. 793. "Whitelock's Memorials," vol. iii., pp. 394-415. The terms on which this assent was expressed are set forth by Nicoll in his Diary, pp. 85-86.

[3] "Nicoll's Diary," p. 85.

[4] "A. P. S.," vol. vi., pt. ii., pp. 771-772.

On 14th May the Lord Chief Justice St John and Major Salwey,—the latter of whom had also come to London,—reported to parliament several matters connected with Scotch affairs, after which they and Sir Henry Vane, jun., and Col. Fenwick, delivered up their commissions into the hands of the Speaker, receiving at the same time the thanks of the house for their extraordinary care and pains.[5]

In August 1652 representatives of the shires and burghs met in Edinburgh, and elected fourteen deputies to represent the shires and seven to represent the burghs, and these deputies proceeded to London in the end of September.[6] On 8th October parliament resolved to appoint a committee of twelve to meet the Scotch deputies, with instructions to see that their commissions were in pursuance of the declaration of parliament in regard to the union, to confer with them as to the matters contained in that declaration, "in order to the speedy effecting the ends therein expressed," and to report their proceedings from time to time so as to receive further directions.[1] In accordance with this resolution a committee was appointed, consisting of the Lord Chief-Justice St John, Sir Henry Vane, jun., Colonel Fenwick, Major Salwey, and eight others, and the bill for effecting the union was referred to it.[2] The conferences of the committee with the deputies was attended by all the latter, except two who were sick, and extended from 14th October 1652 till apparently the beginning of June 1653, but the minutes of the conferences are preserved only till 8th April 1653.[3] The proceedings of the committee were reported to parliament, and further instructions given on 29th October[4] and 23d November 1652.[5] On 15th December 1652 ten members were added to the committee, and additional instructions were given;[6] and the proceedings of the committee were further reported to the house and instructions given on 23d December 1652, and 3d February 1652-3.[7] On 9th March 1652-3, the committee were instructed to confer with the deputies "touching the proportioning the number of thirty, which are voted to be sent as members to sit in parliament for Scotland, amongst the counties and places in Scotland," and to apportion them accordingly.[8] But the summary dissolution of the rump parliament by Cromwell, on 20th April 1653,[9] interrupted further progress.

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[1] "A. P. S.", p. 772. The assent of St Andrews and Dysart was reported on 23d March, that of Glasgow and Inverness on 26th March, and that of Tain on 2nd April 1652.

[2] 18th March 1652. In May the declaration of parliament in regard to the Union was proclaimed with great solemnity at Edinburgh, but the people "showed no rejoicing at it."—"Whitelock's Memorials," vol. iii., p. 418. "A. P. S.," vol. vi., pt. ii., pp. 771-772. "Nicoll's Diary," p. 90.

[3] "A. P. S.," vol. vi., pt. ii., p. 747.

[4] *Ibid.*, p. 773. "Whitelock's Memorials," vol. iii., p. 414.

[5] "A. P. S.," vol. vi., pt. ii., p. 774.

[6] "Nicoll's Diary," p. 99.

A new parliament, summoned by Cromwell, as Captain-General and Commander-in-Chief of all the armies and forces raised or to be raised within the Commonwealth, assembled on 4th July 1653. It consisted of one hundred and twenty-eight representatives from England and Wales, five from Scotland, and six from Ireland, and is known as the Little Parliament or Barebones Parliament.[10] On 9th July a committee of twenty-two members, including Major-General Lambert, Alderman Tichburne, and Major Salwey, was appointed to consider the affairs of Scotland,[11] and it appears to have taken up the consideration of the bill for union, in continuation of the labours of the former committee. On 10th August the council of state reported to parliament a "Breviate of proposals" made to the council by the deputies from Scotland, in which it was, *inter alia,* proposed—

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[1] "A. P. S.," vol. vi., pt. ii., p. 775. "Whitelock's Memorials," vol. iii., p. 462.

[2] "A. P. S.," vol. vi., pt. ii., p. 776.

[3] *Ibid.*, pp. 789-804.

[4] *Ibid.*, p. 776.

[5] *Ibid.*, p. 777.

[6] *Ibid.*, p. 777-778.

[7] *Ibid.*, p. 778.

[8] *Ibid.*

[9] *Ibid.*

[10] Masson's "Life of Milton," vol. iv., p. 501.

[11] "A. P. S.," vol. vi., pt. ii., p. 779.

> "1. That the cess of Scotland, which now exceeds the fourth part of the rent, may be abated, and brought to a constant and competent proportion with England;" and,
>
> "9. That customs and impositions between England and Scotland may be taken off all goods imported and exported betwixt the nations."[1]

On 23d November parliament approved of amendments on the bill for union proposed by the committee, and ordered the bill to be engrossed.[2] No further steps appear to have been taken in regard to it previous to 12th December, when parliament resigned its powers to the Lord General,[3] who was appointed Lord Protector on the 16th of the same month.[4]

By the form of government accepted by Cromwell, the supreme legislative authority of the Commonwealth and dominions belonging thereto was declared to be in one person, styled Lord Protector of the Commonwealth of England, Scotland, and Ireland, and in the people assembled in parliament. It was also declared that the number of representatives in parliament of England and Wales should be four hundred, of Scotland thirty, and of Ireland thirty, and that the distribution of the persons to be chosen for Scotland should be according to such proportions as should be declared by the Lord Protector and the council, before issuing writs of summons for the next parliament.[5] On 12th April 1654, the Lord Protector, with the consent of the council, passed an ordinance for uniting Scotland with England.[6] This ordinance proceeds as follows:—

> "His Highness the Lord Protector of the Commonwealth of England, Scotland and Ireland, &c., taking into consideration how much it might conduce to the glory of God, and the peace and welfare of the people in this whole Island, that after all those late unhappy warres and differences, the people

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[1] "A. P. S.," vol. vi., pt. ii., p. 779.

[2] *Ibid.*, p. 781.

[3] *Ibid.*, p. 781.

[4] "Whitelock's Memorials, vol. iv., pp. 54, 55.

[5] "A. P. S.," vol. vi,, pt. ii., p. 812. "Whitelock's Memorials," vol. iv., pp. 56, 57, 62.

[6] "A. P. S.," vol. vi., pt. ii., p. 753.

> of Scotland should be united with the people of England, into one Commonwealth and under one government; and finding that in December one thousand six hundred fifty and one, the Parliament then sitting did send commissioners into Scotland to invite the people of that nation unto such a happy union, who proceeded so far therein, that the shires and burroughs of Scotland, by their deputies convened at Dalkeith, and again at Edenburgh, did accept of the said union and assent thereunto: For the compleating and perfecting of which union, be it ordained, and it is ordained by his Highness the Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions thereto belonging, by and with the advice and consent of his Council, that all the people of Scotland, and of the isles of Orkney and Zethland, and of all the dominions and territories belonging unto Scotland, are and shall be, and are hereby incorporated into, constituted, established, declared and confirmed one Commonwealth with England; and in every parliament to be held successively for the said Commonwealth thirty persons shall be called from, and serve for Scotland."[1]

It farther ordained—

> "That all customes, excise and other imposts for goods transported from England to Scotland and from Scotland to England by sea or land, are and shall be so far taken off, and discharged, as that all goods for the future shall pass as free, and with like privileges, and with the like charges and burdens, from England to Scotland, and from Scotland to England, as goods passing from port to port, or place to place in England; and that all goods shall and may pass between Scotland, and any other part of this Commonwealth, or the Dominions thereof, with the like privileges, freedome, charges and burdens, as such goods do, or shall pass, between England and the said parts and dominions, any law, statute, usage, or custome to the contrary thereof, in any wise notwithstanding. And that all goods prohibited by any law now in force in England to be transported out of England to any forein parts, or imported, shall be, and hereby are prohibited to be transported or imported by the same law, and upon the same penalties, out of Scotland to any forein parts aforesaid or sent from any forein parts into Scotland.
>
> "And. . . . that all cesses, publique impositions and taxations whatsoever, be imposed, taxed and levyed from henceforth proportionably from the whole people of this Commonwealth so united."[2]

Copies of this and other ordinances relating to Scotland were ordered by the council, on 22d April 1654, to be sent to the commander-in-chief in Scotland for publication in all the shires.[1] On 4th May thereafter, Cromwell was proclaimed Lord Protector at the market cross of Edinburgh; and after this had been done, proclamation was also made of the ordinance as to the union.[2]

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[1] "A. P. S.," vol. vi., pt. ii., p. 816.

[2] *Ibid.* "Whitelock's Memorials," vol. iv. pp. 98-101.

On 5th June 1654, the Lord Protector, with the advice of the council, fixed the number of representatives to be returned to parliament for Scotland at thirty, and allocated twenty of these to the shires and ten to the burghs. Thirty members were also summoned for Ireland, while four hundred were summoned for England and Wales.[3] On the 27th of the same month an ordinance for the distribution of the elections in Scotland, with the form of the writ of election, was passed.[4] A month later the first parliament of the Protectorate assembled. Of the thirty summoned for Scotland, only twenty appeared, and of these several were Englishmen.[5] Parliament approved of the distribution of members for Scotland on 2d January, and was dissolved on 22d January 1654-5.[6]

In little more than a month after the dissolution of parliament the council again directed its attention to the administration of affairs in Scotland, and on 28th February 1654-5 referred to a committee of nine "to consider of settling a civil government" there, and "to prepare what they shall judge most fit to be offered to His Highness and Council in order thereunto."[7] Upon the report of this committee, which was submitted on 28th March 1655, the council, on the 30th of the same month, resolved that the civil government in Scotland should be by a council,[8] and the instructions for this council were at the same time discussed, adjusted, and agreed to be submitted to the Lord Protector.[1] These instructions were subsequently amended on 4th April, and on the following day the council referred to the committee "to consider of settling the payment of excise in Scotland."[2] On 4th May, the Lord Protector, with the advice of the council of state, ordered that the council in Scotland should consist of nine members; that the following persons should be appointed to the office, viz.:—General Monk, Lord Broghill, Charles Howard, William Lockard, John Swinton, Andrian Scroope, Samuel Disbrow, Nathaniel Whetham, and Thomas Cooper; and that Emanuel Downing should be clerk of the council.[3] On 16th May the Lord Protector and the council of state made an order for levying the excise in Scotland, and on the 22d of the same month directed the order to be published.[4] By this order it was provided that from and after the 24th day of June 1655 the several rates and charges of customs and excise levied in England and Ireland, as therein set forth, should be levied and "paid in the right of the duty of excise, in and through Scotland and the Isles of Orkney and Zethland, and all the territories of Scotland, upon all merchandises and manufactures, native and foreign."[5] Much, however, remained to be done in arranging the details of the manner in which the order was to be carried into execution, and on 5th June the council of state referred to a committee "to consider and prepare something to be offered to the council for the better collecting the customs and excise in Scotland."[6] Under this reference, the committee recommended an additional instruction to the council in Scotland, which was approved, and ordered to be offered to the Lord Protector. Further additions were passed on 24th July,[7] and the instructions as so completed were appointed to bear date 24th June. These instructions required the commissioners to proceed with all speed to Scotland—

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[1] "A. P. S.," vol. vi., pt. ii., p. 753.

[2] "Nicoll's Diary," p. 124. "Whitelock's Memorials," vol. iv., p. 105. These proclamations were made in presence of General Monk, the commander-in-chief, and Archibald Tod, provost of the city. For this purpose Monk came to Edinburgh "in great pomp," with companies of horse and foot, having six trumpeters sounding before him. The troops surrounded the cross while the proclamation was being made by the Judge-Advocate. On the general coming into Edinburgh, the provost and bailies, in their scarlet gowns, met him at the Netherbow Port—the whole council, in order, going before them. After the proclamation, the magistrates and council convoyed the general to a sumptuous dinner and feast, prepared by the town for him and his special friends. The feast was six days in preparing, and the bailies stood and served the whole time of the dinner. At night a great display of fireworks took place at the Cross between 9 and 12 o'clock, "to the admiration of many pepill."—"Nicoll's Diary," p. 124. On 26th May 1654, General Monk and Col. Lilburne were made burgesses and guild brethren of the city.—"Council Records," vol. xviii., p. 96.

[3] "A. P. S.," vol. vi., pt. ii., p. 781.

[4] *Ib.*, pp. 753, 823.

[5] *Ib.*, p. 781.

[6] *Ib.* "Whitelock's Memorials," vol. iv., p. 164.

[7] *Ib.*, p 756.

[8] *Ib.*

> "And by all possible waies and meanes inform themselves of the state of that cuntrie, and consider of the readiest and best way for settling and

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[1] "A. P. S.," vol. vi., pt. ii., p. 756.

[2] *Ibid.*

[3] *Ibid.*, p. 757. "Thurloe's State Papers," vol. iii., p. 423.

[4] "A. P. S.," vol. vi., pt. ii., p. 757.

[5] *Ibid.*, pp. 827-829. This act and ordinance was proclaimed at the Market Cross of Edinburgh on 26th September 1655.—"Nicoll's Diary," p. 161.

[6] "A. P. S.," vol. vi., pt. ii., p. 757.

[7] *Ibid.*, p. 757.

> continuing the peace and good government of the same, and how the union may be preserved, and the interest of the Commonwealth promoted and maintayned."

They further provided as follows :—

> "5. The said councell is to endeavour by the best waies and meanes they can to preserve the peace of that nation, and that the people there may have right and justice duly administered unto them.
>
> "6. The said councell shall take care of and have a speciall regard unto the publique revenue of that nation, wherein our pleasure is that we be certified, in particular, what the whole revenue in Scotland belonging to the comonwealth doth amount unto, together with the nature thereof, the manner and times of payment by or out of any lands, forfeitures, confiscations, escheates, customes, excise, or any other yearly rentes or profittes whatsoever, of all which as soon as may be they are to transmit a just and particular estimate and accompt unto us or our councell, and afterwardes once every yeare at least, that we may from time to time understand the state thereof; and the said councell are from time to time to represent unto us or our councell what they conceive may conduce to the improvement of the revenue aforesaid.
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> "7. The said councell shall use such meanes as they in their judgement shall thinke best for recovery of such part of the revenue as hath been concealed, detayned or made away, whither belonging to the crowne Scotland or to any archbishops, bishops, deanes, deanes and chapter, or any other officer belonging to that hierarchy, or any other which of right doth belong to the comonwealth, and to improve the whole revenue to the best profitt and advantage of the comonwealth, and shall cause to be put in execution all orders for levying and receiving the duties of custome and excise in Scotland according to the respective rates imposed and setled to be received in England, for all goodes, wares, and merchandizes, imported and exported, and shall take care that the whole revenue aforesaid shal be levied, collected, charged, accompted for, and issued forth in the way of the exchequer setled or to be setled as soone as conveniently may be.
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> "14. The said councell are to give all due encouragement to the trade and commerce of that nation and to advance manufactures and the fisheries there, and to consider of all waies and meanes how the same may be improved for the advantage of the people and of this comonwealth, and to certify their opinion therein to us and our councell.
>
> "16. The said councell, or any five or more of them, are hereby impowred and required to appoint and authorize such and so many fitt and able persons, as they shall judge meet, to be commissioners for the customes and excise in Scotland, and to give them, or so many of them as you shall

> think fitt, full power and authoritie to collect, levy, recover and receive all and every the duties of custome and excise, according to the rates of them respectively imposed and settled to be received in England for all goodes, wares and merchandizes, imported or exported, or to cause the same to be collected, levied, recovered, received and paid; as also to exercise and put in execution all and every the powers and authorities which in all or any of the matters aforesaid, or in reference to the imposing of fines, forfeitures, making of sales, seisures, issuing of warrants, summoning of persons, administring of oathes, taking of examinations, imprisoning of offendors, taking distresses, giving discharges, granting indemnitie, appointing collectors, sub commissioners and other officers (to be first approved of by you) as shall be necessary for the better levying, raising, improving, ordering and collecting the said duties of custome and excise, have been at any time given, granted or committed, to any commissioners for the customes or excise or committee, for preservation of the customes in England or Wales, or commissioners for receiving appeales and regulating the excise, by virtue of any act or ordinance of parliament, or of us and our councell, in as full and ample manner, to all intentes and purposes whatsoever as all or any the person or persons in such act or actes, ordinance or ordinances, named or by virtue of them appointed, did or might have done, executed or performed in England and Wales :—provided neverthelesse, that whereas his highness the Lord Protector, by an ordinance bearing date the three and twentieth day of March 1653, hath given and granted unto the citie of Edinburgh an imposition tax or excise of foure pence Scotch upon all ale and beere brued, sold or spent within the said citie, partes and pendicles thereof, for the uses therein mentioned, from the first day of Aprill 1654 unto the tenth day of November 1657, that the order and declaration of us and our councell for collecting the excise in Scotland, bearing date the two and twentieth of May 1655, doth not nor shall in anywise be construed to make void or null, or in any sort to diminish or infringe the said ordinance of the 23d of March 1653, or the excise laid or imposed thereby for and on behalf of the said citie of Edinburgh."
>
> "18. The said council, or any five or more of them, are hereby empowered to perform and execute these instructions and every part thereof."[1]

The salary of the president of the council was fixed at £1000, of each of the other commissioners £600 per annum, of the clerk of the council £300, and of the clerk's assistant £200.

Meanwhile, and before the instructions to the council in Scotland were thus finally adjusted, it was considered expedient to send an officer to Scotland "to settle the excise." Mr George Foxcroft was selected for this duty, and on 12th July 1655 he was ordered by the Lord Protector and the council of state "to repaire into Scotland in order to the settling the excise there, and to return back againe when that service is performed." Thirteen shillings and fourpence a day were ordered to be paid to him "for defrayeing his charges dureing his employement therein and in his goeing thither and return thence."[1] How long Mr Foxcroft remained in Scotland, or what services he rendered there, does not appear, but the council of state seem to have considered it necessary to send some other person to Scotland to assist in the settlement of the customs and excise. They accordingly requested the commissioners for appeals and regulating the excise in England to recommend a fit and able person to perform this duty, and on the recommendation of these commissioners, the Lord Protector and council, on 17th August, ordered Mr Thomas Tucker, Register to the Commissioners for the Excise, "to be sent into Scotland to give his assistance in settling the excise and customs there."[2] On the 24th of the same month, the council of state ordered a letter to be sent to the council in Scotland, recommending Mr Tucker to them for the service, and with a view apparently to strengthen his position the former order was amended, and he was appointed a commissioner for customs and excise during his continuance in Scotland.[3] A letter to this effect was submitted to the council of state on 29th August and approved.[4]

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[1] "A. P. S.," vol. vi., pt. ii., pp. 826-827.

In a letter, dated 20th August, written by Lord Broghill, then still in England, to Mr Secretary Thurloe, he mentions that he is to hasten to Scotland,[5] and Nicoll states that the council in Scotland began their sittings in Edinburgh on 12th September.[6] The following extract from another letter of Lord Broghill to Thurloe, dated 22d September, describes what the council had done previous to that time in the matter of the customs and excise :—

"Though as yet you may not heere much from us, yet I can assure you, we are not idle : Our first business this weeke was the settlinge of the excise, because every day's delay therin would be soe much loss to his highness. We have put in three commissioners for manedgment of the excise, customs, and sequestrations; the three are Mr Saltiston, Colonel Siler, and (som of the councill beinge of opinion, that it would be requisite to have one of the cuntry) Sir James M'Dowell is the third. Their sallaryes, which heertofore were £500 a yeere apeece, we have reduced to £365 a yeere apeece. And therin I doe much pitty Mr Saltiston, who, I feare, will not be able to live therupon, dependinge upon nothinge of mayntenance but his sallary; and therefore if som way were found out at the yeer's end to make him up, it might be a peece both of justice and charity. Upon a thorough examination of thinges, we have found it best, for all goods excisable, which are imported or exported, to make the officers of the customs collectors also of the excise; but to keepe them still distinct, because they are for our instructions applycable to two several uses; this I beleive wil be as good a way, and I am certayne a much cheaper. But for the inland excisable commodities, we resolve to farme them, not only our cleerest information leadinge us to that choyce, but also the example of the authority of this nation in the yeere 1650, who experimented, the sallaryes of the collectors eat up the collections, and therefore they set it to farme to thos who would give most, takinge good security; and that we might not prejudice the state by our owne orders of farminge it to the greatest bidder, we have taken care that one in every borrough and shyre shall bid a good price, beyond which we shall be . . . . . that any bidder doe farme it, and under which none shall; resolvinge rather in som cases to let one for the state farme it of the commissioners, then to let it be underfarmed; which possibly when the people see, it will incite them to be the freer in bidding. I caused a diligent search to be made in the excise bookes of thos times, the better to informe us, how we should proceed ; and I finde at their rates (which are very neere ours) ther ale, beere, aqua vite, and tobacco (which three first compose the greatest revenue of the inland excise) amounted not unto above £1100 by the month. I wish we may double it. We require all farmers, besides givinge security, to pay in ther receipts at the end of every two months. We finde it would be a thinge of much clamour and little profit, if it were practikable to leavy any excise upon goods spent and consumed since the 24th of June last; none will farme that, which is . . . . . ; and to collect it by officers of our owne, it is esteemed not worth the charge, if ther were a possibility of truly knowinge what has bin spent; besides it may perhaps appear hard to leavy excise for what has been sold, since the seller not knowinge the excise would be demanded, sold his commodity accordingly; whereas if then the excise had bin publish'd, he would in the price have at least demanded

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[1] "A. P. S.," vol. vi., pt. ii., p. 757.

[2] *Ibid.* [3] *Ibid.* [4] *Ibid.*

[5] "Thurloe's State Papers," vol. iii., p. 727.

[6] "Nicoll's Diary," p. 159. The names of the Council as given by Nicoll are Lord Broghill, General Monk, Lord Howard, Sir Edward Roddis, Judge Swyntoun, Judge Lokhart, Colonel Scroup, and Colonel Whytham. This list omits the names of Samuel Desborough and Thomas Cooper, who were recommended by the Council of State on 4th May, and includes that of Sir Edward Rhodes, who was not included in that recommendation.

> the excise himselfe of the buyer. This and many such other considerations as pregnant have dissuaded us from levyinge excise on any consumed goods since the 24th of June last, till his highness and councill's pleasure be knowne, which we humbly desire to receive; but for all goods extant we leavy it from that time accordinge to that order."[1]

On receiving his despatches, Tucker states he made all possible haste to Scotland, but the badness of the roads at that season, and other impediments, retarded his progress so much, that, ere he arrived, the council there had entered upon their work, and had appointed commissioners for managing the customs and excise. The commissioners had evidently lost no time in proceeding with their arrangements, for Tucker says they, or some of them, had proceeded to elect their officers and to make publication of their intendments to farm the inland excise of the several shires and burghs at certain days then agreed upon. This action does not seem to have been altogether agreeable to Tucker, for he says, "Before they could fall to any matter of action I had gained the opportunity of addressing myself to His Highness' council; had their order to be joyned in commission; and was accordingly received as such by them, upon the first day of their sitting altogether."[2] Tucker's statement may be reconciled with the proceedings of the council of state and of the council in Scotland, on the assumption that the latter, or, as he states, some of them, had, previous to the commencement of their regular sittings in Edinburgh, appointed commissioners of customs and excise for Scotland, who had proceeded to act before Tucker arrived, and presented to the Scotch council the letter of the council of state appointing him a commissioner. He afterwards states, however, that the commission by the council in Scotland to the commissioners was dated 19th September 1655, a week after the council had their first meeting referred to by Nicoll. Either, then, the date of the first meeting alluded to by Tucker must have been later than that mentioned by Nicoll, or the council in Scotland must have issued a new commission, of a subsequent date, in favour of the commissioners formerly appointed and of Tucker.

On 27th September 1655, Lord Broghill reported to Mr Secretary Thurloe, that the commissioners had "set on foot and proclaimed the excise," but the change then proposed to be made seems to have been unpopular from the commencement, for Lord Broghill adds, that whilst the proclamation was being made, "our sargant at arms had a stone flunge at him by an unknown hand, and though the guards did all they could to discover him, yet they could not."[1] Tucker describes in his report the difficulties which the commissioners had afterwards to encounter in carrying out the collection of the customs and excise. Nicoll also seems to give expression to the prevailing discontent, in a passage under date October 1655, in which he says that—

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[1] "Thurloe's State Papers," vol. iv., p. 48.

[2] Report, p. 1.

> "The burdings of the land at this time wes very havie and grevous to be borne; and so much the moir becaus of the povertie of the natioun, and laik of money universallie through the haill land. The excyse also, at this tyme," he adds, "wes set out in ferme to those quho did offer maist; every ane of the fermers overbidding another throw the haill provinces. The cess also wes augmentit and heichted the fyft pairt moir at this time nor in the former moneths, notwithstanding that the companyes of the sodgeris were reducit daylie to ane fewar number nor befoir."[2]

On 25th December 1655 Lord Broghill reported to Mr Secretary Thurloe that the commissioners had "now moddled the assessments of Scotland according to those of England."[3]

Notwithstanding the taxation and the strictness of the English administration, the officers of the government seem to have commanded respect, and to have been popular at least in the capital. On 14th August 1655 the city again feasted the commander of the forces, the Lord President of the Council, and the other high officers of state, and liberally dispensed the freedom of the burgh among the more distinguished strangers and their followers.[4]

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[1] "A. P. S.," vol. vi., pt. ii., p. 892.

[2] "Nicoll's Diary," p. 167.

[3] "Thurloe's State Papers," vol. iv., p. 342.

[4] Upone the 14 day of August 1656, the toun of Edinburgh did feast my Lord Broghall, great President of the Counsell of Scotland, with the General of the airmy, viz., Generall Monk, as also the haill persones of the Counsell of Stait, as lykewyse the officeris and commanderis of the airmy, the judges of the land, and thair followeris. This feast wes given by the Toun of Edinburgh with great solempnitie within the Parliament Hous, ritchlie hung for that end. The haill pryme men and such of thair followeris as wer in respect, wer all resavit burgessis, and thair burges tickettis delyverit to thame. This Lord Broghall wes ane very worthy nobleman of great judgment, and weill beloved of all our Scottis natioun as knew him, and much desyred be thame to haif remayned in place of Presidencie; for he was much beloved of all this natioun for his singular witt and justice for the tyme. The Generall wes no les beloved of this natioun at this tyme, for his singular wisdome and cariage

In February 1655-6 a statement of the civil list of Scotland was prepared by Lord Broghill and sent to the Protector. From that statement it appears that there were four commissioners for customs, excise, and sequestrations, and that each received an annual salary of £365. These commissioners were Sir James Macdowall, Knight, Richard Saltonstall,[1] Edmond Syler, and Thomas Tucker,[2] and all of them were named commissioners of supply for the shire of Edinburgh, in an order and declaration, dated 21st December 1655, by the council in Scotland, for raising an assessment of £10,000 by the month, from 31st December 1655 till 1st July 1656.[3]

On 14th August 1656 the council of state reduced the quorum of the council in Scotland to three.[4]

On 10th July 1656 the Lord Protector and council issued writs for a new parliament, which met on 17th September 1656. This, the second parliament under the protectorate, consisted of four hundred representatives for England and Wales, thirty for Scotland, and thirty for Ireland,[5] and confirmed several acts and ordinances which had been made

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to all that haid address unto him. And much moir mycht be recordit of the cariage and behaviour of moist pairt of the Englisches, namelie of the counsallouris, judges, officeris and commanderis, quha for that caus conquerit the love of much pepill for the tyme being.—Nicoll, p. 183. The following persons were made burgesses and guild brethren of the City:—Lord Broghill, on 8th August 1656—"Council Records," vol. xix., p. 140. Sir Edward Rhodes, on 20th August 1656—*Ib.*, xix. 142. Emanuel Downing, on 26th September 1656—*Ib.*, xix. 153. Col. Nathaniel Witham and Col. Adrian Scroope, on 22d April 1657—*Ib.*, xix. 204. None of the Commissioners of Customs and Excise appear to have obtained the freedom of the burgh.

[1] Mr Saltonstall appears to have resigned his appointment and gone to England in December 1655, carrying with him a recommendation from Lord Broghill to Mr Secretary Thurloe, which was renewed in a letter dated 11th March 1655-6. "Thurloe's State Papers," vol. iv., p. 275.

[2] "A. P. S.," vol. vi., part ii., p. 895. An extract from the statement containing the annual salaries paid to the commissioners and their officers, and an account of the sums payable by the farmers of the inland excise monthly in the several shires of Scotland, will be found in the Appendix to the Preface, No. I.

[3] *Ib.*, pp. 837-839.

[4] *Ib.*, p. 761.

[5] *Ib.*, p. 782. Among those returned for Scotland were several members of the council—Sir Edward Rhodes for Perth, Colonel Lockhart for Lanark, Samuel Desborough for Midlothian, John Swinton for Merse, Lord Broghill for Edinburgh, and Colonel Whetham for St Andrews. Sir James Macdowell was elected for Wigtonshire; Major-General Howard was returned for an English constituency. Lockhart left Paris to attend parliament, and the other members of council so elected seem to have proceeded to London to attend to their duties there, leaving General Monk practically in charge of affairs in Scotland. Col. Scroope and Col. Cooper were the only other members of the Scotch Council; but Scroope seems also to have gone to England, for he, Howard, and Swinton were on 25th December 1656 ordered to return to Scotland. Lord Broghill did not resume his duties there.

by the Lord Protector and council between 20th April 1653 and 3d September 1654.[1] It also specially confirmed all orders and declarations of His Highness, with the advice of the council, touching the duties of customs and excise or new impost in Scotland, and the preservation thereof;[2] and revived, with certain additions, an act of the parliament of 1647 for establishing a subsidy of tonnage and poundage, together with a book of rates of merchandise, and declared the same to be operative in Scotland and Ireland as well as in England. The act reviving the statute of 1647 further provided—

> "That no goods or merchandize, which are prohibited to be imported into, or exported out of England, into any parts beyond the seas, shall be from henceforth imported into, or exported out of Scotland or Ireland or any of the islands to them or either of them belonging or appertaining into foreign parts beyond the seas; and to that end all and every act and ordinance of parliament, and the several and respective clauses penalties and forfeitures therein contained, now in force in England, is hereby enacted and declared to be in full force in Scotland and Ireland, and the islands to them and either of them belonging and appertaining."[3] . . . .

In a letter addressed by Lord Broghill to Mr Secretary Thurloe, dated Edinburgh, 20th December 1655, he indicates that Tucker was then about to return to England.[4] But his departure would seem to have been delayed for some months, for on 16th October 1656 the Lord President of the council of state communicated to the Lord Protector and council a letter from the council in Scotland, importing that Tucker was dispensed with by them, to return to London, being so required for attending his public employment there. This letter also contained the "testymony and assurance that he had been very faithfull and diligent in Scotland" in his employment there.[5]

Meagre as these facts are, they explain the circumstances under which Tucker visited Scotland, and the duties he was appointed to discharge there. His own report furnishes full details as to the difficulties of the work which he and his colleagues had to perform; but it is now chiefly interesting on account of the picture it gives of the condition, especially of the principal towns, of Scotland, during the Commonwealth. His position as a commissioner of the government gave him facilities for obtaining the fullest and most accurate information on the several subjects with which he had to deal, and the experience he possessed as registrar to the commissioners for excise in England, and which led to his recommendation by those commissioners to the Lord Protector and council, doubtless enabled him to make the best use of the information so obtained. His report must therefore be regarded as possessing special claims to authority.

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[1] "A. P. S.," vol. vi., pt. ii., p. 848.

[2] *Ib.*

[3] *Ib.*, p. 857.

[4] "Thurloe Papers," vol. iv., p. 222. Lord Broghill inquires "whether there be a probability of getting a Col. Lidcott mentioned to the Councell here from his highness for Mr Tucker's place (as commissioner of the excise and customs here), when the said Mr Tucker shall returne."

[5] "A. P. S.," vol. vi., pt. ii., p. 761.

A few additional particulars connected with the customs and excise in Scotland during the Commonwealth may be added.

In obedience to an order by the Lord Protector and council to the council in Scotland that the latter should report on various particulars connected with the financial administration, and specially *inter alia*—(1) what was the public revenue of Scotland arising from rents, excise, customs, forfeitures, fines, or any other ways, certain or casual; (2) what was the public charge by salaries, allowances, and contingencies; and (3) whether, as affairs then stood, any reducement might, with conveniency, be made in the expenses of the civil government there; and in what particulars; in what proportions; and how the whole affairs might be put into such a way of management that the public might be eased of all such expenses as should be found not absolutely necessary—General Monk and the council in Scotland wrote the Lord Protector on 20th August 1657 with information on these various matters. In that letter the following passage occurs:—

> "That the forraigne customes and excise being now farmed, all those salaries and contingencies may be reduced, unlesse your highnesse please to continue some cheques and waiters in the respective ports, to the end the farmers of the said customes and excise for their private advantages may not suffer the acts of parliament for increase of shipping and other prohibitions to be infringed; and the charge of them, as also for managing the inland excise by commissioners and other officers, may be reduced to three thousand one hundred pounds for salaries and contingencies." [1]

Along with this letter was sent a statement of the charge of the civil generally at that period, it has been considered expedient to reprint it along with the other important documents contained in this collection. The reprint of Tucker's report has been carefully collated with the original manuscript in the Advocates' Library, by Mr James T. Clark, the librarian to the Faculty, to whom the Editor has to express his obligations for this and other favours.

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[1] "Thurloe Papers," vol. iv., pp. 911, 912.

II.—Register containing the State and Condition of every Burgh in Scotland, a.d. 1692.

Previous to 1672 the burgesses of free burghs enjoyed a practical monopoly of trade and commerce. The burghs comprehended within the description "free" were all the royal burghs,[1] and apparently also a few of the more important burghs of regality and barony, such as Glasgow, Brechin, Arbroath, and possibly also St Andrews and Dunfermline, which contributed to the taxation of the State, were represented in parliament, and were recognised as members of the Convention of Burghs, before they took rank as royal burghs. This monopoly, with the legislation on which it was partly founded, was confirmed by the Act 1633, c. 24,[2] which ratified—

> "all actes and constitutiones of parliament maid by his Majesties predicessors in favour of the frie borrowes of this realme, and burgessis

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[1] The earliest charters to the royal burghs usually conferred on these burghs the exclusive right of trade, foreign and domestic. The privileges conferred by these charters were essentially similar, and are summarised in a charter of confirmation by David II. under the Great Seal, dated 28th March 1364. By this charter the king granted to his burgesses throughout all Scotland free liberty to buy and sell everywhere within the liberties of their own burgh,—expressly prohibiting any of them from buying or selling within the liberties of another without license obtained to that effect. Bishops, priors, and kirkmen, earls, barons, and others of the temporal estate, were forbidden to buy wool, skins, hides, or other kind of merchandise, under any pretext or colour, and all persons, of whatsoever estate, were prohibited from selling anything except to the merchants of the burgh within the liberty of which they resided, but were required to present every kind of merchandise at the market cross of burghs, without fraud or guile, that the merchants might buy them, and the king's customs be paid. Outland merchants or strangers arriving in ships were forbidden to sell merchandise to others than burgesses of royal burghs, or to buy merchandise except from the hands of the merchants of royal burghs, under pain of the king's unlaw. A judicial transumpt of this charter, made on 24th May 1605, is preserved in the archives of the city of Edinburgh.—Printed "Records of the Convention of Royal Burghs," vol. i., pp. 538-541.

[2] "Acts of the Parliaments of Scotland," vol. v., p. 42.

> and inhabitants within the same, with all priviledges, friedomes, liberties and immunities, granted and given to the whole borrowes in general in any term bypast;"

and specially the Act 1466, c. 1;[1] 1503, c. 37;[2] 1592, c. 74;[3] and declared—

> "that the saids liberties and priviledges, mentionat in the saids acts, ar onlie proper and competent to the frie borrowes royall that have vote in parliament and bear burdein with the rest of the burrowes and to no others; prohibiting and dischairging all persones quha ar not burgessis of the saids frie royal burrowes and bear not burdeine with the rest, of all vsing and exercesing of the liberties and prirueledges forsaids in all tyme coming."

During the next forty years, however, more liberal notions so far prevailed, that the legislature passed the Act 1672, c. 5.[4] It proceeds on the following preamble:—

> "Our Soveraigne Lord, takeing into his serious consideration how necessar it is for the wealth and welfaire of this his ancient Kingdome that trade and commerce be encouraged, both for the export of the grouth and manufactor of the Kingdome and for import of foraigne commodities requisite for the use and satisfactioun of his people; and for that effect that the priviledges of the royall burrowes granted by his Majestie and his royall predicessors may be established and cleired from the many contraversies and debates that have bein theranent, to the great disquiet and expensis both of the royall burrowes themselvis and vther incorporations and people of the Kingdome, which contraversies have risen concerning the extent of the priviledges of the royal burrowes, and how far the ratifications thereof granted by his Majestie and his royal predicessors and the estates of parliament have bein derogate and abrogate by contrair custome, or by infeftments or priviledges granted by his Majestie and his royall progenitors, and speciallie by the 24th act of the parliament holdin by his Majesties royall father, of happie memory, in the yeir of God 1633, entituled Ratification of the priviledges of the Royall Burrowes, wherby all exportation of any merchandize is prohibited to any persone but the burgesses of royall burrowes, their factors or servants; and all persones duelling out of burrowes are prohibited to use any merchandize, or to buy wine, wax, silks, spicery, wald, or siklike stuffs; nor that none pack nor peill without the Kings burrowes, vndir paine of escheit of the goods that should be topped, sold, packed or peilled, contrair to that statute; and giveing power to the

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[1] "Acts of the Parliaments of Scotland," vol. ii., p. 86.

[2] *Ibid.*, vol. ii., p. 245.

[3] *Ibid.*, vol. iii., p. 578.

[4] *Ibid.*, vol. viii., p. 63.

list according to the retrenchment proposed, showing the total amount to be £25,943, 14s. 10d.[1]

In the parliament which assembled on 27th January 1658-9 under the protectorate of Richard Cromwell, the committee for the inspection of accounts and public revenues submitted a statement of the income and expenditure of the Commonwealth for the year then current.[2] From that statement it appears that the annual income and expenditure were as follow :—

	Income.			Expenditure.			Deficiency.		
England, . .	£1,517,274	17	1	£1,547,788	4	4½	£30,513	7	3½
Scotland, . .	143,652	11	11	307,271	12	8½	163,619	0	9½
Ireland, . .	207,790	0	0	346,480	18	3	138,690	18	3

The proportions of the income of the respective countries derivable from assessment were as follow :—

England, . .	£35,000 per month.	£420,000 per annum.
Scotland, . .	6,000 „	72,000 „
Ireland, . .	9,000 „	108,000 „

The following sums are entered in the statement of the income of Scotland :—

By customs, inward and outward, and by the excise of goods imported, in farm to Mr Noell, ...	£12,500	0	0
By the customs of sea coal, in farm to Mr Noell, with the customs of sea coall in England, at the rent of £22,000 a year; and for which Mr Noell affirms that the sum of £2216, 5s. 4d. is paid for the coals of Scotland; and is therefore deducted out of that rent in the income of England before mentioned; and is here to be charged as part of the income of Scotland, ...	2,216	5	4
By the excise of foreign salt, £550 a year; and by the excise of inland salt £1124, 9s. 5d.; in all £1674, 9s. 5d., which commodities are in farm to Mr Noell, with the excise of the inland commodities of England under the yearly rent of £65,000, and is therefore deducted out of that rent in the income of England before mentioned;			

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[1] "Thurloe Papers," vol. iv., pp. 911, 912. In this statement the salaries to the Council and their officers (£7801), with contingencies (£2000, including £1000 per annum payable to Lord Broghill, in addition to his salary, in terms of an order of the Council of State), is entered at £9801. The charge of the inland and foreign excise and customs for salaries and contingencies is stated at £3100.

[2] "A. P. S.," vol. vi., pt. ii., pp. 785-6.

and is here to be charged as part of the income of Scotland,	£1,674	9	5
By the excise of beer, ale, and aqua vitæ,	47,444	13	4
By forfeiture of goods uncustomed and unexcised,	595	10	11½

The following sums are entered in the expenditure of Scotland :—

In salaries to the counsel and their officers,	£9,410	11	0
In contingent charges of the counsel,	350	0	0
In salaries to the commissioners of the customs and of the excise,	4,177	9	6
In the contingent charges of the said commissioners,	771	9	4

It is beyond the present purpose to enter into details as to the proceedings of the government after the demission of the Protector. The remainder of the Rump Parliament, which then assumed the supreme power, took measures to press forward the preparation of an act for completing the Union on a parliamentary basis, and General Monk was directed to administer affairs in Scotland, in the name of the Keepers of the Liberties of England, till the act was passed and the necessary commissions could be completed. Throughout the country generally, however, the desire for the restoration of monarchy was strong ; and when Monk marched with his troops to London, it can scarcely be doubted the representatives of the counties, whose sympathy and co-operation he bespoke, understood his object, and anticipated the result. But one of the first acts of the convention parliament of England, which received the king, was to suppress the free commerce between Scotland and England which the enlightened policy of the government of the Commonwealth had established.

A manuscript copy of Tucker's report, in the handwriting, it is believed, of Tucker himself, is in the Library of the Faculty of Advocates in Edinburgh, and another copy, in more recent handwriting and spelling, is in the Charter Room at Yester. The former is said to have been purchased at a sale by Mr Gibb, a former librarian to the Faculty, and given by him to the library. The report was printed and presented to the Bannatyne Club in 1824, by John Archibald Murray, Esq., advocate, afterwards Sir John A. Murray of Henderland, one of the Lords of Session. But as only seventy-two copies were printed, the work is not easily obtainable ; and as it contains much curious information, not only as to the trade and shipping of Scotland in 1656, but as to the condition of the burghs

> saids royall burrowes or their commissioners to search vnfriemens goods, intromett therwith as escheit, either within the countrey or any vther pairt; which priviledges soe extended, wer nevir in use, and are highlie prejudiciall to the common interest and good of the Kingdome, and are by the said statute extended far beyond the ancient priviledges of burrowes, repeated and confirmed therein, applying the priviledges granted to burrowes generally to royall burrowes onlie, to the prejudice of the burghs of regallities and barony, and extending of the sale of imported commodities, which could onlie be vndirstood of whole sale, to the topping and retailing of the saids commodities; and on the vther pairt, the just priviledges of the royall burrowes have bein encroached vpon by vthers, not onlie by exporting bot by importing of staple commodities without beiring burden with the saids royall burrowes in the publict taxations and aides granted to his Majestie."

For remedy whereof the Act ordained—

> "that it is and shall be the priviledge of freemen of royall burrowes, and noe other incorporation or persone within this Kingdom, to buy or sell, in great or whole sale, wine, walx, silks, spiceries, wald and uther materialls for dying, and that noe vther incorporation or persone within this kingdome shall have power to import or export the same, or to import any vther commodities except such as are allowed to them by this present act, but prejudice to noblemen, prelates, barons and vthers, of their priviledge of importing any of the saids goods for the proper vse of themselves and their families allanerly. Likeas, his Majestie, with consent forsaid, doeth heirby enact and declaire that it shall be leisome to any of his Majesties good subjects, or any persone that shall buy from them, to export furth of this kingdome, by sea or land, all maner of cornes that are of the grouth of the kingdome, all maner of cattell, nolt, sheip, and horse, coall, salt and wooll, skins, hydes, and all vther native commodities of the kingdome; and that it shall be leisom to the burghs of regalitie and barronie, by any of their burgessis or members of society, to export all their owne proper manufacture, or such goods as shall be bought by them in faires or markets, and that it shall be leisom to the saids burghs of regalitie or barronie, or societies erected or to be erected for manufactors, and all vthers exporting the native grouth of the kingdome as afoirsaid, to import, in returne of the saids goods exported, or of the frawght and hire of the shipes, the goods and commodities following, viz., timber, iron, tar, soap, lint, lintseed, hemp, onions, or vther necessars for tillage or building, or for the vse of their forsaid manufactors, and als to tope and retail all commodities whatsoever. Likeas, his Majestie, with consent of the said estates, statuts and ordaines that if any man, not being freeman in the

royal burrowes, shall be found to have in his possession any goods or commodities to be bought or sold, exported or imported by him, contrair to this present statute and the priviledge of the royall burrowes granted thereby, the saids whole goods shall be escheit, the one halfe to his Majestie and the vther halfe to the burgh apprehender; and that if the saids goods be apprehended within any of the saids royall burrowes or the sub-urbs or appendicles belonging to them, or within their ports or harbors, the samene may be summarlie seised and secured as goods escheit in manner forsaid, bot if the saids goods, competent onlie to friemen of royall burrowes, shall be found or alledged to be found elsewhere, they shall onlie be arrested and pursued to be declared escheat, to be divided in maner abovewritten, before any competent judicator as accords of the law; and that vpon pretence thereof, the magistrats of burghs, or others by commissioun from them, or any of their inhabitants, shall not search or seaze upon any goods or any way trouble or mollest his Majesties good subjects living without the bounds of their saids burghs or sub-urbs summarlie and by way of fact, bot onlie by legall process according to law, vpon the pretence of any priviledge, custome or vsage whatsoevir, vnles the persones be deprehended in the present and actuall transgression of the priviledges of the royall burrowes abovewrittin, and that within the bounds of the said burghs, sub-urbs and ports thereof, under the paine of being proceided against as committers of ryot and disturbers of his Majesties peace. Lykeas, his Majestie, with consent forsaid, cassis, annuls and rescinds all acts of parliament and ratifications in swa fare as they are contrair to this present statute, and ordaines letters of horneing to be direct summarlie at the instance of all royal burrowes against all and whatsoevir persones who have transgressed or shall transgress the forsaids priviledges as the same are established and declaired by this present act."[1]

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[1] *a* The history of this act is thus given by Sir George Mackenzie :—"The burgh of Stirling had charged the unfreemen of Falkirk to desist from trading, they being but a burgh of regality, belonging to the Earl of Callender; which charge they suspended; and the suspension having been debated before the session, the commissioner (the Duke of Lauderdale) was, because of his interest in Musselburgh, which is a burgh of regality belonging to him, persuaded to come up to the session; and the interest of the lords of regality having been debated by Sir Robert Sinclair and Sir George Mackenzie, and that of the burghs by Sir George Lockhart and Sir John Cunningham, it was desired by Sir George Mackenzie that, since this debate related to the policy of the kingdom, it was more proper to be considered by the Parliament than by the session, the Parliament being the proper judges of trade and conveniences arising to it. And so, this being brought in to the articles, they drew an Act, allowing burghs of regality and barony to export corns, and the manufactures of the kingdoms, and to import iron, timber, and such like commodities as were necessary for labouring of the ground; which act was accordingly passed in Parliament; but because the reasons *pro* and *con* are fully represented in Sir George Mackenzie's Pleadings, [Works, vol. i., pp. 63-68 of Pleadings], therefore they are here omitted. By this (and another) Act Lauderdale lost the affection of the burghs royal, who did formerly depend entirely upon him as their

The communication by this Act of freedom of trade to burghs of regality and barony, formed the subject of much complaint by the royal burghs, not only on the ground that it deprived them of privileges which they had immemorially enjoyed, but that it was unfair in itself, inasmuch as they were bound to contribute to public taxation to which burghs of regality and barony were not subject. The records of the Convention of Burghs, and of various royal burghs, during the twenty or thirty years immediately succeeding the passing of the act, contain frequent references to the injustice to which royal burghs were thus subjected, and to the impoverishment and decay which they had suffered in consequence ; and many royal burghs desired to surrender their position and privileges in order to be relieved of the attendant burdens which they declared their inability to meet. In several of these cases the Convention appointed some of its own members to visit and report on the condition of the burghs for which such applications were made ; in others, it rendered assistance to individual burghs in maintaining their privileges against invasion by burghs of regality and barony ; and in some it reduced the proportions which particular burghs had to bear of the taxation which the Convention imposed and levied. In 1681 it formally resolved to apply for the " total rescission " of the act of 1672,[1] and on 14th April 1686 it approved of the draft of an act of parliament to be offered to the lords of the articles, " in relation to the reponing of the royal burows against the priviledges granted to the burghs of regality and barronie, as to their fredome of exporting and importing comodities to and from this kingdome, which they have libertie to export and import conform to act of parliament, 1672," and remitted to a small committee to forward the same to the Secretary of State, Viscount Melfort. This was done on the following day, along with a letter which contained the following passage :—

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agent at Court, which employment he wisely desired, at his Majesty's Restoration, knowing it would secure him that third estate of Parliament." — "History of Scotland," p. 226.

b As to the meaning and effect of this statute, see Towns of Glasgow and Dumbarton *v.* the Unfreemen of Greenock, 7th December 1676—" Morrison's Dictionary of Decisions," 1908-1916; The Burgh of Kirkwall *v.* The Inhabitants of Stromness, 16th July 1755—*Ibid.*, 1943-1947 ; John Smith, *v.* The Guildry of Inverness, 16th December 1757—*Ibid.*, 1952.

[1] 13th September 1681. Printed "Records of the Convention of Royal Burghs," vol. iv., p. 27.

> " Wee have bein considdering the matters of trade and for the present shall only represent to your Lordship that the royall borrowes of this kingdome, whoe have ever been the managers and cariers on of the trade of the samen and for which they are charged with a very great share of publict taxes, have of late suffered, and does still suffer, unspecable prejudice and loss by having thar priviledges communicat by ane act of parliament, in anno j^{m} vj^{c} seventy two yeirs, to the burghs of barronie and regality, whoe being free of any pairt of the said taxes are able and will infalliblie in tyme engros the wholl trade to themselves, to our utter ruine ; for remeid whereof we have transmitted to your Lordship a scroll of ane act in which we pretend not to be restored to all the priviledges wherof wee wer formerly possessed bot only to some necessarie ones, being willing to communicat many others, to which we had right, to the burghs of barronie and regality, as your lordship will perceive by comparing the act of parliament therwith."[1]

To this letter Lord Melfort replied on the 22nd of the same month as follows :—

> " His Majesty commands me to assure you that he has fullie instructed his commissioner in the affaire so as you who on the account of trade and priviledge pay the sixth pairt of the cess of the kingdome may have the benefit of that trade ye pay for, and his Majesty doubts not but the parliament will advise him justly in the matter and for your interest." [2]

Nothing, however, seems to have been done in regard to the matter, for, on 6th November 1688, Sir Magnus Prince, lord provost of Edinburgh, reported, on his return from court, that he had fully treated of the subject with Lord Melfort.[3] On 15th July 1689 the Convention passed the following act :—

> " 28. The Convention taking to ther consideration that ther meeting at this present convention hes bein longer then vsuall, which wes occasioned by their vehement and zealous desyre to doe ther outmost and best service for the good of the borrowes at this tyme when the parliament is sitting, and to have every thing that is burdensome to the trad and interest of the royall borrowes removed and ther grevances redressed by this parliament, and that in purseuance therof they have taken paines to reduce the samyn to the particular poynts efter following, recomending the furder prosecution

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[1] 13th September 1681, Printed "Records of the Convention of Royal Burghs," vol. iv., pp. 59, 60.

[2] *Ibid.*, p. 63.

[3] *Ibid.*, p. 83.

of them to the commissioners whoe are members of parliament efter this convention is disolved, and which they thought fitt to have insert in the borrow books to shew ther care they had of the concerns of the borrowes to succeiding conventions, wherof the cheaf and capital grivance is that of the invasion made vpon ther priviledges by the burghs of regality and barronie, for remedie of which they have offered to the consideration of the parliament ane act, quherof the tenor followes:—Our Soveraigne Lord and Lady, the King and Queens Majesties, and estaits of parliament, considering that the trade allowed to burghs of barronies and regalities hath not yet been swa cleared but that many contraversies doeth daylie aryse thervpon, to the great prejudice of the trade of this kingdome; and ther Majesties considering that the royall borrowes being one of the estaits of this kingdome bearing a sixth pairt of all publict impositions, being obleidged to watch, waird, build and mentain prison houses, with several other obligations for support of his Majesties government, in consideration wherof ther Majesties royall predicessors hes by many repeated lawes granted to them the sole and only power of trade within and without this kingdome, and it being most fitt that now efter full tryall of all former expedients all contraversies about trade should be clearly determined, therfor ther Majesties and estaits of parliament statuts and ordaines that the importing of all forraign goods and merchandize, and the exporting of all the native comodities of this kingdom, except cornes, catle, coall, salt, lyme and ston, doeth and shall belong to the friemen inhabitants of ther Majesties royall borrowes allennerly, but prejudice to noblemen and barrons to import as formerly what they consume within ther owne houses, and wherof noe pairt is sold againe, and whoe does in the contrair shall be punished according to the tenor of the acts of parliament made against wnfrie tradders in all poynts; declaring heirby that burghs of regalities and barronies shall and may trade be retaile in selling all forraigne and native comodities, provyding alwayes they buy the forraigne comodities from some of the friemen residenters in royall borrowes and no vtherwayes, and that notwithstanding of the fyfth act of the thrid session, second parliament, Charles the Second, which is heirby restricted expresly and abrogated in soe far allennerly as it is inconsistent with this present act; and ordanes letters of horning to be directed by the lords of councill and session at the instance of all royall borrowes vpon this present act in all tyme coming for putting the samen to dew execution with all rigor against them that come in the contrair therof without calling any pairty.

"(1.) Item, that some effectuall course be taken for calling magistrats of burghs to ane accompt for ther intromission with the revenew of ther respective burghs, and to consider if it be fitt that the power of calling them to ane accompt may be granted to the convention of borrowes.

"(2.) Item, that the pryces of wynes, meat and drink, in taverns, should be determined by the magistrats and councill of the royall borrowes, and of craftsmens work, and by noe others.

"(3.) Item, that heritors of ground wher the royall burrowes fishes should not exact arbitrary dewes, bot at the most twelve shilling vpon the last.

"(4.) Item, that merchants within royall borrowes should be obleidged to bring home armes for the vse of the burgh.

"(5.) Item, that it should be considered whither the office of ane conservator be necessar or not, and if it be found necessar that noe conservator be made without the borrowes consent, and that the determination of what dewes he is to have to be absolutly in the power of the burrowes.

"(6.) Item, to consider if the borrowes be concerned in the mater of the breadth and bleitching of lining cloath.

"(7.) Item, what furder incouradgement is to be sought for building of ships, etc.

"(8.) Item, to consider how far its fit to apply to authority anent the council of trade and the sumptuarie lawes which hes bein very prejudiciall to the borrowes.

"(9.) Item, to consider how far the excyse is exacted beyond the quota of eight thousand pound sterling imposed be act of parliament, and how it may be redressed, seing double is exacted.

"(10.) Item, how far the borrowes are concerned in the exportation of yearn and wooll.

"(11.) Item, that the act of parliament dischargeing tradesmen to import made work to be considered and how far it may be inlarged.

"(12.) Item, to consider how far the borrowes may be concerned for incouradgement of the sugarie and sopperie works.

"(13.) Item, to consider how far the borrowes are greved in the matter of bullion and by the book of raits wherby bullion is layed vpon the import and not on the export contrair to the custome of all forraigne nations.

"(14.) Item, to consider if it be not fit that for incouradgement of erecting manufactories that nyntein years may be granted be act of parliament to begin frae the setting vp of the saids manufactories.

"(15.) Item, that the power of granting licence to export what native comodities may concern manufactories ought to be ludged in the convention of burrowes and in those deligat by them.

"(16.) Item, that the act of parliament anent arreistments within burgh be either rectified or repealled.

"(17.) Item, that all penall statuts inferring pecuniary mulcts be discharged preceeding this tyme.

"(18.) Item, that it should not be in the power of any judicatory to erect any incorporationes within burgh prejudiciall to the ancient incorporations already established or to disolve or divyd the said ancient incorporations.

"(19.) Item, that the old impost of 4 li. vpon the tune within royall borrowes payable to the excheqner, as lykwayes the sexpence vpon the pynt of brandie, be considered and how far its fitt to move in them and to have them taken away.

"(20.) Item, the gift in favores of Peter Braus anent vending and selling of playing cards, and all that hes followed vpon it, to be declared null.

"(21.) Item, to crave redress of the mentenance of prisoners put in for civill and criminall causes into the tolbuiths of the royall borrowes by the shirreffs, justices, etc., which is very heavie and chargeable to the royall borrowes.

"(22.) Item, that some redres be sought of the lait fynes imposed vpon Provost Petrie of Aberdeen, Provost Anderson of Glasgow and Provost Ainsly of Jedburgh, who suffered fyning and imprisonment as acting dewtifullie as members of the convention of borrowes in 1675.

"(23.) Item, that redres be craved of the great grivance of the inequality of measurs that are within royall burghs and burghs of barronie and regalitie, such as Dalkeith and vthers, and that the act of parliament 1587 anent mets and measures be revived.

"(24.) Item, to crave redress of the yearly burden and charges the borrowes are at in making their equie in exchequer, wherby they are put to exorbitant expenss to the servants of exchequer besyd the paying of the borrow males.

"(25.) Item, that the petition given in be the merchants of Edinburgh anent a free trade be seconded by all the assistance the royall borrows can affoord in petitioning the parliament for that effect."[1]

Four days later, viz., on 19th July 1689, the Convention appointed such of its members as were members of parliament to prosecute the several matters specified in the above act "to a full perfection,"[2] and on 14th August 1689 the Convention appointed three commissioners to proceed to court and represent to the king the injury which the burghs had suffered from the act of 1672, and praying his Majesty to instruct his commissioners to the next session of parliament "to give the royal assent to such ane act as shall be voted by the estaits of parliament for redressing the said greivance."[1] On the same day, John Buchan, the agent of the Convention, was directed to present a letter to Lord Melvin, the Secretary of State for Scotland, asking his lordship to aid the commissioners of the Convention in their appeal to the king.[2] To the address then presented to his Majesty, the King, on 27th September, returned a gracious answer, to the effect that he had given instructions to the royal commissioners not only to rectify the act of 1672, but also to ratify the privileges of the royal burghs.[3] On 5th May 1690, accordingly, the Convention appointed the draft of the act, which it had approved of on 15th July 1689, to be presented to parliament, and on the 14th of the next month parliament passed a statute which adopts the preamble of the draft act referred to, and enacts as follows[4] :—

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[1] Printed "Records of Convention," vol. iv., pp. 93-96.

[2] *Ibid.*, p. 89.

> "Therefore their Majesties and Estates of Parliament, statute and ordaine, that the importing of all forrain commodities and merchandise either by sea or land, doth and shall belong to the freemen inhabitants of their majesties royall burrowes allennerly, excepting cattell, horses, sheep and other bestial, and likewise excepting such commodities as noblemen and barons shall import for their own use, and whereof noe part shall be imported for sale, and likewayes they statute and ordaine that the exporting by sea of all the native commodoties of this kingdom, doth and shall belong to the freemen inhabitants of the royall burrows, only excepting corns, cattell, horses, sheep, mettalls, mineralls, coals, salt, lime and stone, but prejudice to noblemen and barons to export as much of the other native product of the kingdome, whether staple commodities or others, as may answere to the value of the commodities which shall be imported by them for their own use as said is, as alsoe but prejudice to all the leiges to transport by land out of this kingdom all the native commodities thereof; and in case any persons shall doe in the contrair of this present act, they shall be punished according to the tenor of the acts of parliament made against unfree traders in all points; declaring hereby that the inhabitants of burghs of regalities and baronies and others shall and may trade in buying and selling all native commodities, and likewayes may retaill all forraigne commodities, provydeing they buy these forraigne commodities from some

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[1] Printed "Records of Convention," vol. iv., p. 101.

[2] *Ibid.*, p. 102.

[3] *Ibid.*, p. 103.

[4] 1690, c. 15, "Acts of the Parliaments of Scotland," vol. ix., p. 152.

> of the freemen of the royall burrowes bearing scott and lott therein and noe otherwayes; and that notwithstanding of the 5th act of the 3d session 2d parl. Cha. 2d,[1] which is hereby restricted expressly and abrogated in soe far allennerly as it is inconsistent with this present act; and it is hereby declared, that this statute and the priviledges thereby enacted in favours of the royall burrowes shall have execution in the same way and manner as is prescrived by the aforesaid 5th act of the 3d session 2d parliament of Charles 2d, excepting generall letters which are discharged by ane act of this date."[2]

On 12th July 1690 the Convention continued the commissions which it had previously issued for the visitation of Glasgow, Inverness, Peebles, Irvine, Sanquhar, Renfrew, Forfar, Queensferry, Elgin, Pittenweem, Kirkcudbright, and Banff, on the ground that the troubles arising and difficulties of the times occasioned by war had hindered the reporting of the particular condition of these burghs to the Convention;[3] and further, "upon certain important considerations moving them, and for the better execution of the Act of Parliament" 1690, c. 15, ordained

> "in all tyme coming that noe burges of any royall burgh shall buy from any wnfrieman any forraigne imported goods for retailling againe, except from such strangers whoe shall make first offer of ther goods to the magistrats and toun councill of any royall burgh in haill bulk, certifieing such friemen as shall contraveen this present act or any pairt thereof shall be lyable to the borrowes in the fourth pairt of the vallow of the goods soe bought."[4]

Two days later, viz., on 14th July, the Convention, by its 23rd Act, gave full power to Edinburgh and eleven other burghs

> "to meet as a comitty at any tyme efter desolving of this present convention, and any fyve of them to be a quorum, to take to ther serious consideration the most effectuall means for the better execution of the lait act of parliament in favors of the royall borrowes, and to receive such rules and overtures from any of the royall borrowes theranent, and to make such acts and statuts necessar in order thervnto as may tend to the benefit and

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[1] 1672, c. 5.

[2] See footnote *b*, p. xxix.

[3] Printed "Records of Convention," vol. iv., p. 114.

[4] *Ibid.*, pp. 118-119.

> advantadge of the borrowes; as alsoe to appoint visitations throw the wholl royall borrowes of this kingdome for the exact tryall of each particular burgh, ther condition, trade and comon good, and to forme and give such instructions and rules to the particular visitors as the comitty shall think just, which rules and instructions the visitors most observe and report vpon oath to the nixt generall convention, and which visitors are to be nominat by the said comitty whoe are to appoynt and lay doun methods how ther charges shall be sustained in the saids visitations, and for that effect appoynts the said comitty to meet at Edinburgh the sextein day of July instant for the first dyet and therefter to adjourn themselves as they shall think fitt."[1]

On 19th November, the committee held its first meeting, and resolved to invite the burghs of regality and barony to send each a representative to meet the committee on a specified day, and endeavour to adjust the terms on which the communication of trade might be effected. Letters were at the same time agreed to be sent to the Duke of Hamilton and other superiors of these burghs, expressing the desire of the committee that an amicable arrangement should be effected. The letter to each burgh was transmitted through the adjacent royal burgh, which was directed to furnish the committee with a full account of the trade of each burgh of regality and barony within its bounds, in order that the committee might know on what terms to treat.[2] A week later, viz., on 26th November, the committee approved of the following instructions to the visitors, which had been prepared by a sub-committee :—

> "(1.) Imprimis, that the visitors take ane exact accompt to be given in be the magistrats and toun clerk of euery particular burgh of ther comon good and debts, vpon oath, and the magistrats and toune clerk to subscryve the same.
>
> "(2.) Item, that the magistrats and toun clerk produce ane exact accompt vpon the termes forsaid of all the mortifications belonging to the toun councill or gildrie or trades therof.
>
> "(3.) Item, that they produce to the saids visitors the thesaurers accompts and equies fyve or more years backward vpon the termes forsaid.

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[1] Printed "Records of Convention," vol. iv., p. 119.

[2] *Ibid.*, pp. 123-125.

"(4.) Item, in all burghs that they take exact tryall into ther trade, both forraigne and inland, and particularly of the wynes and of the vent and consumption of malt for fyve years backward.

"(5.) Item, that they take exact accompt of what ships, barks, boats, and ferrie boats they have belonging to them, the names of the saids ships, ther burden and vallow of each of them, and how imployed and by whom.

"(6.) Item, that they alsoe take ane accompt of what ships they are owners of or pairtners in, out of ther owne burghs alse weell as in the same, and this to be given accompt of conforme to ther oath of knouledge, and how far they are concerned with the burghs of barrony and regality in the matter of trad.

"(7.) Item, that they take particular notice how ther cess are payed, whither out of ther comon good or by taxations vpon the burgh

"(8.) Item, to take ane exact accompt of ther ministers stipends, schoolmasters, precentors, and all vther publict servants, what it is and how payed, whither out of any mortification or out of the touns common good or by taxation vpon the people or teinds of the paroch.

"(9.) Item, to take exact notice how ther publict works are maintained and out of what fond, such as churches, hospitalls, bridges, harbouris, wells, and the lyke.

"(10.) Item, they are to take exact inspection of the caice of the houses of the toune and how they are inhabited and what rents they may be of and of what rait houses inhabited by strangers are.

"(11.) Item, to take ane exact accompt how many faires and publict mercats each burgh hes yearly and of how long endurance, and what the intrinsick vallow or importance the same may be of.

"(12.) Item, that the visitors, for ther better accomodation and preventing of unnecessary trouble, shall haue it in ther option to call for such of the smaller borrows as they shall think fitt and requyre them to repair to the visitors and bring with them ther theasurers compt books and any other evidences or information anent ther trade, handling and condition, and which smaller borrowes are to attend the visitors at what place they shall appoynt for that effect.

"(13.) Item, that the visitors to be appoynted, as they are to have commission from the comitty to the effect abovementioned, soe to have ane extract of the act of the last generall convention impouring them for the end aforsaid, and this commission to be signed by the preses of the meetting and the clerk of the royall borrowes.

"(14.) Lastly, that the visitors take ane exact accompt and tryall of every thing els that occurs to them relating to the condition of the respective burghs whom they shall visit."[1]

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[1] Printed "Records of Convention," vol. iv., pp. 125-6.

Copies of these instructions were delivered to John Moor, provost of Ayr, Mr James Smollet, provost of Dumbarton, George Oliphant, provost of Perth, and Alexander Walker, bailie of Aberdeen, who were appointed visitors; and the committee at the same time required from the several burghs

> "a chearfull and readie concurrance with the said visitors and ane exact obedience to the instructions and rules abovementioned; and if any of the said severall borrowes shall fail (as is not expected) to give the forsaid concurrance and obedience as they will be esteemed unfaithfull to the estate of the royall borrowes soe they will be considered as places of singular repair and traffique and according represented to the nixt generall convention at the making vp of the taxt roll."[1]

On 2nd December the committee appointed the provosts of Ayr and Dumbarton to visit the burghs north of the Forth, and the provost of Perth and Bailie Walker of Aberdeen to visit the burghs south of the Forth. The four visitors were required to report as to Edinburgh.[2] The provosts of Ayr and Dumbarton, with Bailie Walker of Aberdeen, proceeded to Edinburgh to commence operations, but the provost of Perth was prevented by indisposition from joining his colleagues, who, after waiting a considerable time for him, returned to their respective burghs without entering upon their visitation. The matter was reported to the Convention at its next meeting in Edinburgh, on 9th July 1691, when the following act was passed:—

> 8. "The Convention taking to ther serious consideration that ther are many complaints given in to the respective generall conventions of borrowes thir severall years by past by many particular burghs, yea vniversally by the wholl royall borrowes, complaining of ther poverty, want, and decay of trade, and that they are not rightly adjusted in the taxt roll as to the quota and proportion of burden, and considering that ther hes been severall remedies proposed, yet non hes been received with that vniversall satisfaction as a generall search and inquirie to be made into the condition and state of every burgh as to ther trade and comon good by a visitation to be made over the wholl royall borrowes, which although not practised formerly yet its thought to be the most just and equall way how to adjust the taxt roll if impartiallie gon about, therfore the convention ordaines every particular royall burgh within the kingdome to be visited as to ther tread and

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[1] Printed "Records of Convention," vol. iv., p. 127.

[2] *Ibid.*

common good conforme to the instructions heirwnto subjoyned, and for that effect appoynts and nominats four visitors, viz., James Fletcher, commissionar for the burgh of Dundie, and Alexander Walker, commissioner for the burgh of Aberdeen, John Moor, commissioner for the burgh of Air, and Maister James Smollet, commissioner for the burgh of Dumbartoun; and that the commissioners for the burghs of Dundie and Aberdeen shall visit the south royall burghs of this kingdome, and the saids commissioners for the burghs of Air and Dumbartoun to visite the north royall burghs of the said kingdome, and that according to the divisions to be made in ther respective circouts as the saids commissioners can best agree amongst themselves; and ordains the saids commissioners to begin ther journeys in ther respective circouts and divisions betuixt and the (*blank*) day of (*blank*); excepting alwayes furth of this visitation the burgh of Kirkwall in Orknay, Week in Caithnes, and Innerarie in Argyllshire and Rothesay in Boot, becaus of the difficulty of access to these places. And the convention considering that the charges and expenss of the said visitations ought in justice and equitie be made vpon the comon charges of the borrowes, and that the samen ought to be such as is suitable for the borrowes to grant and the commissioners to receave, therfor they ordane the agent to pay to the saids four commissioners the soume of two hundred pound sterling, declaring that if ther saids commissioners shall happen to be superexpended in mor then the said two hundred pound sterling that the burghs will reimburse them of the samen vpon ther ovne simple declaration and word of honour.

"The following instructions appoynted for the visitors of the royall borrowes being publictly red in presence of the convention they doe approve thereof."[1]

"Thir instructions are delyvered by the convention to James Fletcher, provost for Dundie, Alexander Walker, commissioner for Aberdeen, John Moor, commissionar for Air, and Maister James Smollet, commissioner for Dumbartoun, appoynted visitors for the burghs benorth Forth and the burghs besouth Forth; and the convention does heirby requyre from the respective royall borrowes abovementioned a chearfull and reddie concurrence with the saids visitors and ane exact obedience to the instructions and rules abovementioned; and if any of the said severall borrowes shall faill (as is not expected) to give the forsaid concurrance and obedience as they will be esteemed vnfaithfull to the estait of the royall borrowes soe they will be considered as places of singular repair and traffique and according represented to the next generall convention at the making vp of the taxt roll."[2]

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[1] The instructions are printed immediately before the Reports of the Visitors, pp. 53, 54.

[2] Printed "Records of Convention," vol. iv., pp. 129-131.

At the same time the Convention ordered £20 to be paid to the visitors from Ayr, Dumbarton, and Aberdeen, appointed in 1690, in consideration of the great loss they had sustained by the previous preparation for their journey, and by their attendance in Edinburgh.[1]

On the following day the convention passed an act which, after referring to the laws and acts of parliament and burghs against burgesses of free burghs packing and peeling with unfreemen, or being partners with them in trade or shipping, and prohibiting burgesses to load or unload boats at ports not belonging to free burghs, proceeds as follows:—

> "All which acts hes not as yet been put to dew and effectuall execution, and the convention being resolved noe longer to suffer the priviledges of royall burghs to be abused and incroached vpon by ther ovne burgesses, whoe by joyning stocks with vnfreemen, inhabitants in the burghs of regalities and barronies and other vnfree places, both in poynt of trade and shipping, wherby these vnfriemen receave all imaginable incouradgement from freemen in royall burghs to trade, and that the saids freemen does voluntarly and with ther oune hands destroy the priviledges of the royall burghs, therfor the convention does by thir presents not only renew and revive in generall all former acts of convention of borrowes, of whatsomever daits, tenor, or contents the samen be of, which any way relaits to the premises (except in swa far as is innovat by this present act) bot lykwayes inacts and ordaynes in all tyme coming that non of the burgesses of free royall burghs shall be pairtiners with vnfriemen, inhabitants in regalities, barronies, or other vnfrie places, either in poynt of trade and merchandizing or in the matter of shipping vnder the paine of fyve hundred merks to be payed by ilk burges and friemen of royall burghs as oft as he shall be found guilty by the respective dean of gild, or by the magistrats wher ther is no dean of gild, the one half of the said fyne to belong to the said dean of gild or magistrat for ther oune use and the other half to be payed to the agent for the vse of the royall borrowes." [The commissioners were appointed to produce to the general convention, yearly, a list of the burghs in which the fines were imposed.] "And siclyk, the convention prohibits and discharges the burgesses of royall burghs to load or vnload ther ships and veshells at any other port than these belonging to free royall burghs, except as to these goods which vnfrie tradders may export by law, and these burghs that wants free ports to load and vnload at the nixt free port adjacent to them, vnder the penalty of (*blank*) swa oft as they transgress; and further, the convention, for severall weighty and pungent considerations moving them, does in all tyme coming strickly

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[1] Printed "Records of Convention," vol. iv., p. 132.

> prohibit and discharge the burgesses of free royall burghs to fraught and hyre any ships or veshells belonging to the inhabitants of regalities, barronies, or other vnfree places within the kingdome, either for export or import, vnder the penalty of fyve hundred merks, the one half to the discoverer and the other half to the agent for the vse of the borroues. And lastly, the convention considering that it will take some tyme for freemen burgesses to dissolve the copairtneries that are betuixt them and vnfreemen and to withdraw ther stocks they have with them in trade and shipping, and to provyd shipping for themselves wherin noe person shall have interest bot burgesses residenters within royall burghs, therfor they allow ther said freemen burgesses vntill the first of March nixt to doe the same, efter which tyme the convention requyres punctuall and exact obedience and observance to this present act vnder the certifications abovementioned, and ordanes thir presents to be printed and published at the mercat croces of the wholl royall burghs, that non pretend ignorance."[1]

The result of the negotiations opened by the committee of convention with the burghs of regality and barony is detailed in the following act of 16th July 1691 :—

> "The convention, taking to ther consideration that by the 23rd act of the last generall convention" [a committee was appointed to take means for carrying into execution the late act of parliament in favor of royal burghs,] "and the said comitty having mett vpon the nyntein day of November last, did out of a good meaning and sincere intention to doe most acceptable services for the interest of the royall borrowes fall vpon this expedient that befor any furder procedor be made in executing the said act of parliament that a treaty for ane accomodation of trade with the regalities, barronies, and other vnfrie places, should be first offered to them to sie if they wold vndertake any considerable pairt of the burden lying vpon the royall borrowes, which wes the cheif and principall designe of the said comitty, and that accordingly letters wer written to them and to seuerall noble and honorable persons ther superiors, and that the said comitty had appoynted the saids vnfrie burghs to return ther answer, viz., those lying vpon the south syd of Forth against the second Twesday of March last, those on this syd of Spey vpon the third Twesday of the said moneth, and those beyond Spey vpon the fourth Twesday of the said moneth; and the said comitty having mett and attended at Edinburgh the wholl moneth of March last, during which tyme non compeired for the saids vnfrie burghs except Borrowstounnes, Falkirk, Greenock, and

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[1] Printed "Records of Convention," vol. iv., pp. 133, 134.

Elie, whoe refuised to condescend and liquidat what proportion of burden they wold vndertake for these burghs; and that those persons that compeired for the vnfrie burghs of Dunkell, Dun and Lesly, refuised altogither to vnderly any pairt of burden for ther trade, whervpon the comitty by ther act the first of Apryll last did declare that in regaird ther offer had bein slighted and vndervallowed, and that of all the great and vast number of vnfrie burghs within the kingdome none of them bot sex compeired, whereof fyve of them did extinuat ther trade and wold not liquidat ther offer, and that only Falkirk had offered three shilling Scots vpon the hundred pound, all which the comitty conceaved tended to a delay that the vnfrie burghs might have a years further trade, whervpon the comitty fand that the lenth the vnfrie burghs cam did nowayes answer the end and expectation of the royall borrowes, and therfor it wes ther opinion that every royall burgh should tak the best means they could for putting the act of parliament in execution against ther nixt adjacent burghs of regality and barrony; yet notwithstanding of the said comitties rationall and convincing procedor, and of ther finall resolution in the said affair, the present convention thought fitt to reassume the consideration of the said matter, to the end that vnfree burghs might have noe pretext or ground of clamour against the royall borrowes bot be rendered inexcusable in all tyme coming, they caused severall tymes publict intimation to be made at the dore of the councill house wher they satt by calling over a list of the vnfrie burghs to sie if any persons wold compear for them that the royall borrowes might enter into a comuning and treaty with them, bot of all the saids vnfrie burghs non compeired bot the laird of Greennock, younger, for the said burgh, and James Dawling and John Huntar, skippers, commissioners from Borroustounnes, and (*blank*) from Falkirk; and having called befor them the saids commissioners for Borroustounnes they wer demanded what proportion of burden they wold offer and how the said offer if agreed to should be secuired, they altogither refuised to condescend and liquid a certane soume of money or to secure that the samen should be payed to the royall borrowes; as lykwayes (*blank*), whoe pretendit to be commissioner for Falkirk, being interrogat if he had a commission from the said burgh to treat with the burghs denyed the same, and declared that he could offer nothing in name of the said burgh; and sicklyk, Sir John Schaw, younger of Greennock, compeired and offered for the said burgh to pay such a proportion of burden as efter valuation it ought to pay, and that he wold secure the payment therof bot by noe means wold condescend vpon a quota; all which being againe and againe considered and reconsidered by the convention they look vpon the offer made by Borroustounnes as noe wayes satisfactory, tending only to hold the royall borroues in suspence and in the dark and at ane vncertainty,

> that they may all the whyll use the trade of a royall burgh ; and sicklyk that the offer by Falkirk wes a meer sham and a ridicouling of the borrowes to send a person without any commission to treat ; and as to the offer made by the laird of Greennock, albeit the same be mor ingenuous and poynted than the rest, yet in regaird he wold not liquidat his offer, and that the same wes bot a single unfrie burgh whoes proportion will doe little to ease the wholl royall borrowes, and that it tends to destroy the interest of Glasgow, which is the second trading royall burgh of the kingdome, they cannot acquiesse to the said offer, being soe circumstantiat ; and therfor the convention does vpon the wholl matter declare that as they give ther hearty thanks to the said comitty for comencing the forsaid treaty with vnfrie burghs as tending to the weell of the borrowes, soe lykwayes the convention does for the reasons and causes forsaid declare that the said treaty is now at a period and close, and doe heirby warrand, allow, and authorise the saids royall borrowes and every one of them to execut the acts of parliament in ther favores against the nixt adjacent burghs of regality, barronie, and other vnfrie places ; but becaus of the singularity of Greennocks offer the royall borrowes doe recomend to the nearest adjacent royall burghs to Greenock to deall discreetly with the inhabitants of the said burgh in executing the said act of parliament vntill the nixt generall convention." [1]

The commissioners appointed in 1691 appear to have made the required investigation between the beginning of August in that year and the beginning of June in the year following. A note is appended to the reports, to the effect that Wick, Dornoch, Kirkwall, Bervie, and Galloway were not visited, and no report is made as regards the condition of these burghs. But it can scarcely be assumed that all the other burghs were visited by the commissioners personally. All that appears from the reports in regard to many burghs is, that the visitors obtained statements from the magistrates and town clerk, and in some cases possibly these statements as to two or more burghs were delivered to the visitors at one burgh, where the representatives of the other burghs were required to meet them. Thus the reports from Nairn, Forres, and Cullen were given in on 1st September 1691, while those of Annan, Lochmaben, and Sanquhar were given in on 23rd April 1692. Rothesay was excepted by the convention from the visitation, along with Kirkwall, Wick, and Inveraray, "because of the difficulty of access to these places."

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[1] Printed "Records of Convention," vol. iv., pp. 139-141.

But a report by the magistrates and town clerk of Rothesay was given to the visitors at Irvine on 2nd May 1692. The result of the visitation and inquiry was reported to the convention at its meeting in Dundee on 14th July 1692, but on the previous day the agent of convention, John Buchan, undertook to relieve it of ten per cent. of the king's cess and missive dues for three years from Lammas (2nd August) 1692, in consideration of which the Convention granted to him the sole and universal power which royal burghs had to execute the statute of 1690, and its own act of 10th July 1691; and further empowered him to communicate the benefit of trade during these three years to such regalities, baronies, and other unfree places as he thought fit, and to apply to his own use the fines, penalties, and casualties arising under the statute and act of Convention. It also authorised him to extend the arrangement to five years if he wished, but reserved to itself the power to receive and admit burghs of barony and regality, and other unfree places, to the privilege of trade, upon such compositions as it might fix,—such compositions, however, being paid to Buchan.[1]

On receiving the report of the visitors on 14th July 1692, the Convention passed the following act :—

> 27. "The Conventione taking to ther consideratioun the eight article of the missive anent the report to be made by James Fletcher, provost of Dundie, Alexander Walker, bailly in Aberdeen, and John Moor, lait provost of Air, and Mr James Smollet, lait provost of Dumbartoun, commissionars appoynted by the last generall convention of borrowes in July 1691 to visit the wholl royall burghs of this kingdome anent ther trade and comon good, to the effect ane impartiall taxt roll might be made out of ther report, which dilligences and report wes exhibited by them to the convention in writ; and lykwayes the convention considering that, befor the said report wes taken vnder ther cognizance, Mr John Buchan, advocat, ther agent, did make ane free and voluntar offer to the convention that he will vndertake the releiving and disburdening of the borrowes of ten pounds Scots of the 100 lib. of the taxt roll, both as to what is or shall be dew to the King for cess and of the tenth pairt of the missive dewes, conforme to his bond granted to them theranent, and conform to the act of borrowes made in his favores by this present convention at lenth contained in the said bond and act, whervpon the convention demurred to proceed any furder as to the written report exhibited by the visitors, bot resolved to

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[1] Printed "Records of Convention," vol. iv., pp. 159, 160.

> communicat the benefit of the said tenth pairt of the taxt roll swa offered by the said Mr John to such burghs as the convention should judge most deserves the same."[1]

At the same time the Convention appointed the commissioners for Edinburgh and sixteen other burghs to meet as a committee, and adjust the tax roll. By the same act the Convention ordained

> "the said report exhibited be the visitors to be sealled by the publict seall of the burgh of Dundie, and therefter to be put in the clerks hands to remain *in retentis,* to be furthcommand for the vse of the royall borrowes whenever they shall have necessarly adoe with the said reports."[2]

Buchan's bond for relieving the burghs of the tenth part of the tax roll was produced to the Convention on 15th July 1692.[3]

The arrangements thus made between the Convention and Buchan required the sanction of parliament, without which no communication of trade to burghs of regality and barony could be effective. This sanction was given on 14th June 1693 by the Statute 1693, c. 51,[4] which, after narrating the contract with Buchan, proceeded as follows :—

> "Our Soveraigne Lord and Lady and the Estates of Parliament considering how just and advantagious communication of trade will be to the haill leiges, when the same is granted by the royall burroughs for relief of a proportionall parte of the burthen imposed upon them for their trade, therefore their majesties, with advice and consent of the estates of parliament, doe ratify, approve, and confirme the said contract in its haill heads, clauses and articles above written; and their majesties, with advice and consent forsaid, statute and ordaine that sicklike execution shall pass against the burghs of regalities, baronies and others, for inbringing the proportions of the burthen to be payed by them for relief of the royal burroughs, which any of them hath already, or hereafter shall agree unto, in consideration of the benefite of trade communicate to them, sicklike and in the same manner as is usuall for inbringing of the cess payable to their majesties by the royall burroughs; and farder their majesties, with advice and consent forsaid, doe hereby expressly statute and ordain that after the expyreing of the forsaid contract betwixt the said royall burroughs and Mr John Buchan, their agent, the forsaid communication of trade shall

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[1] Printed "Records of Convention," vol. iv., p. 160.

[2] *Ibid.*, p. 162.

[3] *Ibid.*, p. 163.

[4] Protestations against this act were made by the commissioners in Parliament for Glasgow, and also for the merchants of Edinburgh and Stirling. "A. P. S.," vol. ix., p. 308. Appendix, p. 90 *b*.

> continue and be perpetuate unto the saids burghs of regalities, baronies and others, upon the paying or relieving the royal burroughs of a just proportion of the hundred pound of the taxt roll imposed upon them by act of parliament effeiring and correspondent to their trade, and which proportion shall be equally condescended upon by the said royall burroughs at their first generall meeting, after expiration of the said contract, and thereafter as often as they meet for altering of their taxt roll, and in case any mistake or inequality shall happen in the adjusting the said proportion to be payed by the burghs of regalities, baronies and others, conform to the trade as aforesaid, then and in that case the said burghs are hereby allowed to apply themselves to the parliament for regulateing and determineing the forsaid quota according as they shall see just, and upon the division swa to be made of the said quota then the said royal burroughs are to distribute and proportion the samen amongst the saids burghs of regalities, baronies and others, according to their respective trades; and their majesties, with consent forsaid, doe hereby strictly discharge all persons whatsomever to exercise any kind of trade, under the penalties contained in the act of parliament, except burgesses and indwellers in royall burroughs and their free ports, by consent of their burroughs to which they belong, and these who pay their proportion of the said quota to be payed by the burghs of regalities and other burghs aforesaid; and to the effect that the burthen may be equall and reasonable, and that none be exempted, their majesties with advice and consent forsaid, do authorize, appoint and ordaine any of these who have the benefite of the communication to putt all acts of parliament made in favours of the burghs royall in full execution against all such unfree traders within their own bounds and jurisdictions as shall not undertake for and pay a proportion of the said quota which the burroughs are to be relieved of, and to apply the ffynes and penalties to their own use and behoof; likeas the masters or magistrates of the towns to whom the trade is to be communicate are hereby authorized to appoint stent masters upon oath within their towns, for laying on the burthen upon the traders and others who have benefite by the trade."[1]

On 7th July 1693 the Convention recommended Buchan to take effectual course during the currency of his contract for restraining and hindering all the inhabitants in burghs of barony and regality to transport out of their own precincts any foreign goods unsold, unless to public fairs.[1] On 22nd July 1695, Buchan intimated his desire to be relieved of the contract, but, ultimately, at the desire of the Convention, agreed to continue it for two years longer on the footing that should loss result to him thereby, he should refer himself simply and absolutely to the "favour and generosity" of the royal burghs.[2] On 24th March 1697, the Convention resolved that it would be for the interest of the royal burghs to continue the arrangement with Buchan for some years to come,

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[1] 1693, c. 51, "Acts of the Parliaments of Scotland," vol. ix., pp. 315, 316. See Duke of Hamilton and the Bailie of the Town and Regality of Borrowstounness *v.* The Trades, 19th January 1694, M. 13072; James Kell and others *v.* the Stent-Masters and Collector of Cess in the burgh of Saltcoats, 27th May 1794, M. 13082.

> "but in the meantyme for the said Mr John Buchan his encouragement and the support of his credit in so great advancements as he most make to the publict, they have prevailed with the good towne of Edinburgh to lend the said Mr John Buchan ten thousand merks Scots money for the ends aforesaid."

For repayment of this sum, the Convention bound their constituents proportionally according to the tax roll.[3] On 8th July in the same year Buchan submitted a memorial to the Convention, on considering which they found that from Lammas 1692 to Whitsunday 1697 inclusive, thirty-eight months' cess had been imposed by Act of Parliament, the total amount payable, at £100 per month, being £3800 sterling, of which sum Buchan had only paid £2300. For this sum Buchan was appointed to produce discharges, and farther to submit a discharge for the balance to the Convention at its meeting in July 1698.[4] Four days later, viz., on 12th July 1697, the Convention passed an act, by which on the narrative that it would be for the interest and advantage of the royal burghs that Buchan should continue the tacksman for the unfree trade of the kingdom, according to the tack set to him by the Convention in 1692, and which tack and contract had been explained by the act 1693, c. 51, and by decrees of the lords of session and proclamation of council following thereupon; and seeing that Buchan had entered into a new contract for three years, from Lammas 1697, and two years longer if he chose to continue, therefore the Convention disponed

> "to the said Mr John Buchan the sole and universall power, from the dait of thir presents, which the royall borrowes hes, conforme to the

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[1] Printed "Records of Convention," vol. iv., p. 180.

[2] *Ibid.*, p. 203.

[3] *Ibid.*, p. 226.

[4] *Ibid.*, pp. 229, 230.

> acts of parliament, decreitis of the lords of sessione, and proclamations of privie councill followeing therupon, and acts of general conventiones, conform to the same termes and conditiones of his former tack, and accepted be the said Mr John Buchan,"

subject to the conditions that if he used his utmost diligence for recovery of the cess and missive dues, the royal burghs should relieve him of all loss and damage he might sustain. Farther, as he had to advance considerable sums, the Convention, for supporting his credit, obliged the royal burghs as cautioners for 10,000 merks to any person who should lend the same. For relief of this obligation, and of the 10,000 merks previously undertaken by the burghs, and borrowed from the city of Edinburgh, Buchan disponed as much of the cess and missive dues owing by the several shires and unfree trades as would satisfy the amount. The convention also appointed him to give in an account and report discharges of his payments yearly to the Convention.[1]

At the same meeting the Convention readjusted the tax roll, the commissioners of Edinburgh protesting. In their protestation they alluded to the report of the visitors as still lying in the hands of the clerk, and complained that the tax roll had been readjusted without reference to the condition of the several burghs as disclosed by that report. To this protestation it was answered, that in consequence of the arrangement come to with Buchan the report had been ordered to lie *in retentis* till the Convention thought fit to call for it, but that it had not been called for either at that or any previous Convention, nor by the commissioners of Edinburgh until the tax roll had been adjusted. It was added that it was not reasonable that the report should "be now a rule for proportioning the said tax roll after so long tyme as fyve years, there being now a great alteratione of the conditione of these burghs then visited from what they were at that tyme."[2]

The difficulties experienced by Buchan in carrying out the arrangement made with him are described in detail in the 11th Act of the Convention of burghs, held at Edinburgh, on 18th November 1697. This Act, after referring to the contract and statute of 1693, proceeds as follows :—

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[1] Printed "Records of Convention," vol. iv., p. 233. On 19th November 1697 the Convention bound itself as cautioner for the sum of 10,000 merks which Buchan had borrowed from Sir John Shaw of Greenock under this act. [*Ibid.*, p. 254]. On 9th July 1700 the Convention declared that Buchan had, by repaying the 20,000 merks borrowed by him under the acts of 24th March and 19th November 1697, relieved the burghs from their cautionary obligation. [*Ibid.*, p. 304].

[2] *Ibid.*, pp. 238, 239.

> "In prosecutione of the which acts and contract, the said Mr John, notwithstanding of the outmost dilligence that could be used, did meet with great and unsuperable difficulties, whereby he was necesitat to lay out and engadge for considerable sowmes for payment of his undertakeing, which at length obleidged him to apply to the lords of privie councill, to the effect ther lordships, in regaird of the free offers he did make to the respective shyres of the kingdome of the moderat proportions that he demanded of each of them for the whole unfree traders and unfree tradeing within ther respective bounds, the commissioners of the said shyres might be conveened to consider his said offers, conforme to ane taxt roll that he hade at that tyme exhibited to the councill, and to subdevide and proportione the same upon the forsaid unfree traders for the benefit of the above mentioned communicatione as they should find reasonable, which supplicatione the lords of his Majesties privie councill did grant, and ordored a proclamatione to be thereon emitted, as the same of the date the eighteen day of Februarie last by past at more length proports ;[1] lyckeas, the said Mr John, haveing intented action befor the lords of sessione against unfree traders within certain burghs of regalities and others, such as Dalgkeith, Musleburgh, &c., the lords by their decreit fond that not only the unfree traders themselves but also all retaillers, tradesmen, and other burgesses and inhabitants within the saides burghs were lyable to bear ther proportione of the forsaid taxt roll exhibited by Mr John Buchane to the lords of privie councill in maner abovementioned ; and farder by ane other decreit the saides lords did also find that the unfree traders within the forsaid burghs, whom the said Mr John hade conveened on that accompt, and where the forsaid proportione was not aggreed to and undertaken by the burgh where they traded, were lyable to the escheat of ther whole moveables conform to the acts of parliament ;[2] lyckeas, after the expyreing of the forsaid first contract betuixt the conventione of borrowes and the said Mr John, the conventione mett at Perth the twelth day of Jully last bypast did renew the same for other thrie yeares and tuo years in maner therin mentioned. . . . . And farder the foresaid conventione at Perth did lyckwayes allow of the thrie pound ten

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[1] See Proclamation, dated 18th February 1697, Appendix to Preface, No. II.

[2] See Report of proceedings at Buchan's instance against Musselburgh and Dalkeith, dated 12th February 1696, as reported by Fountainhall, vol. i., p. 710 ; and in Brown's "Supplement to Morrison's Decisions," vol. iv., p. 310. Appendix to Preface, No. III.

shilling that by the taxt roll exhibited by the said Mr John to the privie councill in maner forsaid was added to the forsaid ten pounds. And the convention being verie sensible of Mr Johns care and dilligence in all this matter, and also of the difficulties that he hath mett with and the burden that still lyes upon him, and with all considering how much it is ther own interest to have the forsaid bargains made effectuall for releiff of the royall borrowes, and that Mr John for advanceing of the said intrest doeth freely give over in favours of the said royall borrowes the forsaid thrie pounds ten shillinges that was added to the said ten pounds in recompense of his pains and expenssis, have therefore ordained and doe heirby with consent of the said Mr John Buchan ordain and enact that the said Mr John Buchan shall grant subtacks or assignments to the burghs particularly after specifiet, viz., ... [1] and that for payment of ther respective proportiones mentioned in the taxt roll imposed upon the burghs of barronies, regalities, and other unfree traders within the saides shires and haill bounds thereof, with full power to the saides burghs to uplift and levie the forsaid quota and proportion from the persones therin lyable and to use all execution competent to the said Mr John for that effect, which subtacks and assignments they doe farder ordain the forsaides burghs to accept of and that they pay for the same for makeing up of bygones preceeding Lambas last, each of them quarterly, beginning the first quarters payment at the said term of Lambas last and so furth to continow ay and whill the said Mr John be completely payed of the haill soumes particularly wnderwryttin, viz.,[2] . . . . And farder that for the term of Lambas last and in tyme comeing they pay each of them for themselves and ther successores in office to the said Mr John and his forsaides dureing the space of the tack sett to him at Perth the proportions of the forsaid cess and misive dewes effeiring and corresponding to the respective quotas sett down in the following taxt roll, viz.,[3] . . . . and that at the termes that are and shall be therto appointed by acts of parliament, acts of conventiones of estaites and borrowes, respective, the saids burghs allwayes haveing retentione of alsmuch as corresponds to the respective proportiones of the three pound ten shillinges conforme to the list also after mentioned.[4] And lyckwayes excepting from these payments the burghs of Edinburgh, Peebles and Rothesay, which thrie have the cess and missive dewes to be collected by them from the respective shires to belong and appertain to them respective dureing the currancie of the said tack at Perth. Provideing allwayes, lyckeas it is heirby provyded that the burghs above mentioned lyable for the forsaid soumes for bygons preceeding Lambas last shall have

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[1] See table, Appendix to Preface, No. IV.

[2] See columns Nos. 1 and 2 in table, Appendix, No. IV.

[3] See column No. 3 in table, Appendix, No. IV.

[4] See column No. 4 in table, Appendix, No. IV.

> allowance in the first end therof of whatever recepts they shall produce under the hand of the said Mr John, or his factor or others haveing power from him, in discount of the forsaid sowmes respective proceeding the dait of thir presents. Lyckewayes it is heirby provyded that the respective borrowes to whom the forsaid ease off thrie pownd ten shilling is communicated shall be obleidged to pay to the said Mr John for the present current tack such a gratificatione as the royall borrowes shall think fitt to determine out of the forsaid fond for what pains and trouble the said Mr John shall be at in assisting of them against the saides unfree traders and others." [1]

On 6th July 1698 the Convention, at its meeting in Aberdeen, passed the following Act :—

> 7. "The Conventione having considered the seaventh article of the missive whether or not it be the intrest of the royall borrowes that a trew stated accompt of ther wholl comon good be recorded in the borrow register by ther clerk, to the end that no dilapidationes may be made of any pairt therof in prejudice of the borrowes, doe therfor in place thereof appoynt ther clerks to record the wholl reports of the particular burghs of the kingdome made by the visitors appointed for that effect in July j^{m} vj^{c} and nynty tuo yeares ; and which reports being by the generall conventione holden at Dundie appoynted to be sealled up for the use of the borrowes they appoynt the comity that are to sitt at Edinburgh in tyme of parliament to call for the saides reports and therafter delyver the samen to the clerk that they may be recorded in a particular register for that effect." [2]

The reports were accordingly recorded in terms of this Act of Convention, and the print in this collection is taken from the official register. It will thus be seen that while the visitation ordered in 1692 was intended primarily to obtain authentic data for apportioning among the several burghs the cess or land tax and the missive dues, it was also regarded as an authoritative statement of the common good and revenues of the burghs, and as such was available to prevent dilapidations of the common good of each burgh to its permanent injury.

Parliament met at Edinburgh on 19th July 1698, and the representatives of the burghs seem to have exerted themselves to obtain legislation for terminating the differences between the royal burghs and burghs of regality and barony, and also for settling the communication of trade.

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[1] Printed "Records of the Convention of Royal Burghs," vol. iv., pp. 251-4.

[2] *Ibid.*, p. 264.

On 1st September two statutes were passed for these purposes, by the first of which it was enacted as follows:—

> 38. "Our Soveraign Lord, for farder clearing of the trade allowed to burghs of barony and regality, or others who are not freemen of burghs royall, doth, with advyce and consent of the estates of parliament, statute enact and declare that in time comeing the exporting of the native goods from this kingdome, and the importing of forraign goods into the kingdom, is the priviledge of the freemen and burgesses of burghs royall, and of such to whom the said priviledge shall be communicat, exclusive of all others, excepting the exportation of corns, cattle, horse, nolt, sheep, coal, salt, mettall and mineralls, lyme and stone; and but prejudice to noblemen and barons to export the native products growing or manufactored in their lands, and to import forraign commodities for their own use, and not for sale, answering to the value of such export; excepting also the priviledges granted by law to declaired manufactories and societies for fishing; and farder, it is declared that in time comeing the inhabitants of burghs of regality and barony and others may trade, buy and sell all native commodities, as also retaill forraign commodities, provideing they buy these forraign commodities from some of the freemen of the burghs royall, or of such burghs who shall get the forsaid communication, and who payes scot and lot within burgh, and no otherwayes, and the grant of these priviledges in favors of the royall burrows shall have execution in the way and manner prescribed by the twelfth act, second session of this current parliament, anno 1^{m} vj^{c} and nynety, in favors of royall burrows."[1]

And by the latter it was enacted as follows:—

> 39. "Our Soveraign Lord, for terminating the differences that have lately arisen betwixt the burghs royall and burghs of regality and barony and others, on the account of the communication of trade appointed by the act of parliament 1^{m} vj^{c} and nynety three, and especially about the subdivision of the ten pound of the hundred pounds of the taxt roll of the burghs royall, declared by the said act to be the proportion to be undertaken by the said burghs of regality and barony and others who were to partake of the said communication, dureing the space and years of Mr John Buchans contract mentioned in the said act, as also what should be the quota of the said taxt roll which should be laid for hereafter upon the said burghs of regality and barony and others who should partake of the said communication, and how the same should be subdivyded and proportioned amongst them, doeth, with the advyce and consent of the estates of parliament,

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[1] 1698, c. 38, "Acts of the Parliaments of Scotland," vol. x., p. 176. See Kell and others *v.* Stentmasters, &c., of Saltcoats, 27th May 1794, M. 13082.

ratifie and confirm the communication of trade ordained by the forsaid act, and that in the terms declared for hereafter by another act of this session of parliament, intituled Act for regulation of trade betwixt burghs royall and burghs of regality &c.; and for clearing of the foresaid questions and makeing of the said communication more effectuall, His Majestie, with advyce and consent forsaid, gives full power, warrand and commission, to such persons and quorum of them as shall be nominat by His Majestie to meet and conveen at Edinburgh the day of , and thereafter at such times and places as they themselves shall appoint, with full power to the said commissioners to consider as to bygones preceeding the expiration of Mr John Buchans contract, how the said ten pounds, together with Mr Johns expences, as it shall be modified by the said commissioners, may be most equally subdivyded and proportioned amongst the said burghs of regality and barony and other unfree traders, as well for the part of such unfree traders as have got the benefite of the said communication as for the part of such as have not got it, that they for the space forsaid may be fully liberat and discharged of all hazards of unfree tradeing, and to subdivide and proportion the same accordingly: as lykewayes, to consider for the year since the expiration of Mr John Buchans contract to Lambmass last by past and also for hereafter what quota or part of the said taxt roll of ane hundred pounds of the burghs royall should be laid upon the unfree traders of this kingdom, and to subdivide and proportion the same upon the said burghs of regality and barony and others who have got or shall accept and get the benefite of the said communication as they shall find just; and the said commissioners are hereby empowered to call all persons haveing interest before them, and to take all manner of tryall necessar in the premises, and to cite witnesses and ishue out diligences requisite for that effect; declairing that their sentences and decreets for stateing and divideing in manner forsaid shall have the force of a decreet of parliament, and that letters and all other execution as against burghs royall shall be direct thereupon as effeirs; and farder His Majestie, with advyce and consent forsaid, statutes that the said quota and subdivision, being once stated, all persons inhabitants of the said burghs partakeing of the communication shall be lyable to be stented for the quota appointed as the use is in burghs royall. As also that for thereafter the said burghs shall be lyable to the determination of the conventions of royal burrows as to the alterations of their quota as other burghs royall; provydeing allwayes that the burgh to be altered be first called, and that the said alterations shall not encrease the generall quota laid upon unfree trade. As likewayes, that in case of inequality the burgh lesed may apply for remedy to the parliament; lykeas, in case of the increase or decrease of trade, it

> is hereby declared that the burghs concerned, whether royal or not, may apply to the parliament even as to the general quotas."[1]

The commissioners appointed by the latter Act were nominated by a commission under the Great Seal, dated 20th November 1698, and written to the seal and registered on 9th January 1699. They held their first meeting in Edinburgh on 10th January, and the record of the proceedings, as printed in the appendix to the tenth volume of the Record Edition of the Acts of the Parliaments of Scotland, extends till 23rd July 1701. In a supplication presented by Buchan to the commissioners, he stated that he was out of pocket, under his contract, to the amount of £90,000 Scots. His petition, and the account which accompanied it, were remitted to a committee for examination, and on their report, and after hearing parties, the commissioners, on 7th March 1699, found that the burghs of regality, barony, and other free traders, were liable to him for the ten pounds of the hundred pounds of the tax roll laid on the royal burghs, conform to the contract for the five years from Lammas 1692 till Whitsunday 1697 inclusive, extending to £5197, 9s. 8⅓d. sterling, and remitted to the same committee to consider how this sum should be apportioned amongst the unfree traders. And the royal burghs were found liable in payment to Buchan of the expenses disbursed by him in prosecuting the contract against the unfree traders as the same might be modified by the commissioners, reserving their relief out of the fines due by such of their inhabitants as had been guilty of loading and "livering" at unfree ports, and had been partners with unfree men in ships and loading contrary to the Act of Convention of 1691.[2] A committee of the commissioners afterwards prepared a scheme of allocation among the unfree traders of the sums for which they were found liable. Against this scheme, several of the parties reclaimed, and their objections were considered by the commissioners, who either adhered to or modified its propositions. The petitions of the several objectors contain a good deal of information as to their trade at the time.[1]

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[1] 1698, c. 39, "A. P. S.," vol. x., pp. 176, 177. See Kell and others *v.* Stentmasters, &c., of Saltcoats, 27th May 1794, M. 13082.

[2] "A. P. S.," vol. x., Appendix, p. 112. On 16th March 1699, the commissioners modified to the sum of £1200 sterling the account of Buchan's expenses which amounted to £1818, 12s. 5⅓d. sterling. [*Ibid.*, p. 113].

On 30th March 1699 the commissioners passed an Act for the better inbringing of the £5197, 9s. 8⅓d. Scots found due to Buchan, and also of the ten months' cess of the ten pound due from Lammas 1697 to Lammas 1698. In this Act the quotas and proportions of these sums effeiring to the unfree traders were specified, and they were required to pay the same within a fixed period, under penalty of being quartered upon if they failed. Farther, and with a view to the determination by the commissioners of what part of the quota of the tax roll of £100 of the royal burghs should be laid in future upon the unfree traders, and to the subdivision and proportioning of the same upon the burghs of regality and barony and others who should accept of the benefit of the communication of trade, all the burghs of barony and regality, and other unfree traders who intended to accept the benefit of the communication, were required to attend the commissioners at Edinburgh on the second Monday of June then next, to hear and see the respective proportions of the burden upon trade determined by the authority of the commissioners,

> "with certificate that if any shall presume to trade contrair to the tenor of the forsaid act of Parliament without takeing the benefit of the communication and a proportionall pairt of the burdein, ther moveables shall be decerned to appertain and belong to the royall burrowes and burghs of barony and regality and others who accept of the communication, and bear the burdein upon trade conform to the foirsaid act of Parliament against unfrie traders; and that action shall be competent to the agent of the Royal Burrowes against the transgressors therefor."[2]

The time allowed to unfree traders by the preceding Act to apply for the benefit of trade was, on 4th July 1699, extended till 3rd August thereafter,[3] on which day and on 19th February 1700, the offers made by unfree traders were remitted to a committee for consideration and report.[4]

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[1] Petitions were lodged for Fraserburgh, Old Aberdeen, Falkirk, Turiff, Grangepanns, Kilmarnock, Airth and Elphinstoune, Paisley, Kelso, Borrowstounness, Prestonpans, and Tranent, for the packmen of Dirleton, and for Hawick, Monygaff, Doune, Stonehaven.

[2] "Acts of the Parliaments of Scotland," vol. x., Appendix, pp. 123-133.

[3] *Ibid.*, p. 133.

[4] *Ibid.*, p. 134.

Subsequently, on 20th March 1700, the commissioners resolved to appoint the Commissioners of Supply in every county to meet on the last Thursday of the following month of April and hear the burghs of regality and barony, and other unfree traders within their bounds, as to what offer they would make to the royal burghs, or to the commissioners in their name, for the benefit of trade, and to hear the royal burghs on their objections to these offers, and to hear probation and other evidence for stating and adjusting the quotas, and to set down in writing their opinion thereanent, and to report the same to the commissioners previous to the 1st of June then next. An Act to this effect was accordingly published.[1] On 3rd July 1700 the commissioners remitted to a committee for consideration reports which had been received from the Commissioners of Supply of Ayr, Clackmannan, Lanark, Renfrew, Stirling, Wigton, Aberdeen, Berwick, Elgin and Forres, and Orkney;[2] and on 17th July 1701, a list of quotas to be laid on the burghs of regality and barony and other unfree traders was ordered to be prepared,[3] but the result does not appear. The register of the commission terminates with the proceedings of 20th March 1700, and the reports from the Commissioners of Supply, and the other proceedings subsequent to that date, are printed in the appendix to the tenth volume of the Acts of Parliament from the original warrants, which are, however, apparently incomplete.

Meanwhile, and as the action of the commissioners did not bring in funds to meet the proportion of cess effeiring to the unfree traders, while the cess itself was regularly imposed, and had to be provided for under penalty of having soldiers quartered upon the burghs, the Convention found it necessary to allocate that proportion upon such of the royal burghs as were able to bear it in addition to their own proper share of the cess. This was done on 11th July 1699,[4] with relief out of the quotas which might afterwards be recovered from the unfree traders or be laid upon them by the royal commissioners,[5] and again on 9th July 1702.[6] On 5th August 1703 the Convention adopted an address to Parliament craving to be reponed to their former privileges or relieved of the £10 of the tax roll.[7] The address was presented to Parliament on 25th August,[1] along with the draft of an Act by which it was proposed to impose one-tenth of the cess payable by the royal burghs upon the shires, to be proportioned by the Commissioners of Supply between the burghs of regality and barony and the land-rent in the several shires. Two days later the draft of the Act was again read and "ordered to be marked a first reading,"[2] and on 27th August the draft was again read and ordered to lie on the table, and allowed to be printed before the next sitting of Parliament.[3] Nothing further seems, however, to have been done in the matter.

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[1] "A. P. S.," vol. x., Appendix, pp. 135, 136.

[2] *Ibid.*, pp. 136-147.

[3] *Ibid.*, p. 147.

[4] Printed "Records of Convention," vol. iv., p. 282.

[5] *Ibid.*, p. 285.

[6] *Ibid.*, p. 339.

[7] *Ibid.*, p. 349.

The records of the Convention between 5th August 1703 and 8th July 1706 narrate numerous negotiations between the royal burghs and burghs of regality and barony. These negotiations resulted in arrangements being effected in some cases, but only partially, and on the last mentioned date the Convention passed an Act recommending the respective royal burghs

> "to consider and advise against the sitting of the parliament whether or not it will be conducive to the interest of the burrows to address the parliament to stent the burrowes complexly with the land rent of the rest of the kingdome, conforme to their valuations to be made, and that the haill kingdome have the benefite and priviledge of trade, with power to the lord provost of Edinburgh not only to call a generall conventione of the royall burrowes *pro ea re nata* when he thinks fitt, but also to call the said conventione in case the great concern of ane union with England comes to be laid befor and considered by the parliament, that the burrows may advise what is fitt to be represented to the parliament as most tending to the advancement of trade, the benefite and priviledges of the burrowes, as well as to ease them of the unsupportable burden they lye under; and ordains the haill burrows to send up ther commissioners fully instructed hereanent.[4]

No farther action appears to have been taken in the matter either in the Convention or in Parliament till after the treaty of union with England, which was ratified on 16th January 1707 by the Act 1707, c. 7.[5] By article 21 of that treaty it is provided that

> "the rights and privileges of the royal burroughs in Scotland as they now are, do remain entire after the union, and notwithstanding thereof."

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[1] "A. P. S.," vol. xi., p. 77.

[2] *Ibid.*

[3] *Ibid.*, p. 80.

[4] Printed "Records of Convention," vol. iv., pp. 390-391.

[5] "A. P. S.," vol. xi., pp. 406-413.

Immediately after the Union was effected, William Black, advocate, published his little treatise on "The Privileges of the Royal Burghs, as contained in their particular rights, and the ancient laws and records of Parliament and their General Conventions." The book exhibits considerable acquaintance with the records of the Convention, but can scarcely be accepted as an authoritative exposition of the privileges of the body. It was before the Convention at its meeting in Edinburgh on 27th November 1707, and the committee then appointed were recommended to consider it. In this work the author, referring to the arrangement under which Buchan was authorised to communicate the freedom of trade to such burghs of barony, and unfree traders, as paid a stipulated proportion of the tax roll, says:—" But this never came to any effectual settlement. There are, indeed, a few burghs of barony that have accepted of the benefit of the communication, and pay the proportions stented upon them, but they are so few, and their payments so inconsiderable, that it's believed this method will scarce take now after the Union, and therefore shall not be furder insisted in." [1]

The next action of the Convention took place on 15th July 1708, when the following Act was passed :—

> " The conventione considering that few of the burghs of barrony and regality have agreed for the communication of trade, and it being fitt that a committe be appointed with full power not only to agree with unfree traders that shall make offer but also to continow or highten the proportione of these who have agreed as they shall see cause, therefor the convention did nominat and appoint [a committe,] giving and granting to them full pouer, warrand, and commissione to compone, transact, and agree with the saids burghs of barrony and regality, or any unfree traders, for the said communicatione of trade, both for bygones and in time coming, or ferme the same in wholl or in part as they shall see cause, and likeuise to continue or augment the proportione of those who have already agreed, the payment being aluayes made to Sir Robert Forbes, their agent, who shall be comptable to the conventione therfor, whom the conventione hereby impouer to quarter upon such burghs of barrony and regality and other unfree traders as have already agreed or hereafter shall agree, and that as they are at present or shall hereafter be stented and taxed; and farder the conventione remitted to the said committe the consideratione of all affaires relating to the staple port, with pouer to them to do everything

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[1] "The Privileges of the Royal Burghs," p. 28.

> requisit and necessar theranent sicklyke and as freely in all respects as the conventione might have done themselves; and with pouer to the said committe to determine in all debates within burghs in relatione to the management of their commone good, and as to the way and manner of their elections of their magistrats and deacons of crafts and management of their revenues and anent their priviledges and incrochments thereon and other publick concerns, in the terms of the fourty second act of the generall conventione j^{m} vij^{c} and six years; and inregard it will be of great import to the trade of this natione that a good correspondance be keeped betuixt the royall burrows and the members of parliament in this part of the United Kingdome, and that everything tending to the advancing of trade be dully prepared and laid befor the parliament, therefor the conventione also impouered the said committy not only to transmitt to the parliament the overtures anent trade agreed upon in the conventione in November j^{m} vij^{c} and seven years, but also to transmit such other overtures as they from time to time shall agree to; and the conventione appointed the first meeting of the said committe to be upon the sixten of July instant, with pouer to them to adjourn themselves from time to time as they shall see cause; and the conventione seriously recomended to the said committe the proportione of the six pounds undertaken be Sir Robert Forbes upon the burghs of barrony and regality and other unfree traders in the first place, and in case the said six pounds be not wholly taken off by the said unfree traders the conventione recomended to the next generall conventione to do the same or they goe upon any other business; and, finnaly, the conventione impouered the said committe to address her Majestie or the parliament in relatione to the drawbacks or anything relating to trade as they shall think fitt.[1]

On 11th July 1709 the Convention passed an Act by which, on the narrative

> "that all methods formerly used to oblige the burghs of barrony and regality and other unfree traders to accept of the communication of trade, and to relieve the royall burrows of the ten pounds of the hundred pounds of the text roll for their said communication of trade, hath been hitherto ineffectual, and that the relief arising from such of the said unfree traders as have already accepted and agreed for a proportione of the said ten pounds to be payed by them amounts only to one pound eleven shillings, and the same is not payed conform to their agreement,"

a committee was appointed to arrange with unfree traders, and to institute proceedings against such as should not come to terms.[1] On the following day the Convention, finding that the measures previously adopted had failed, appointed the agent to visit the several shires, Orkney and Zetland excepted, and obtain information as to the unfree traders therein, and to effect such arrangements with them as the committee or representatives of the burghs whom they might appoint should approve.[2] Whatever proceedings followed upon this act seem to have been of little avail, for, notwithstanding innumerable negotiations and the institution of legal proceedings in many cases,—the details of which occupy a large portion of the minutes of the Convention in subsequent years,—the amount received from the burghs of regality and barony and unfree traders was small, and the deficiency thus resulting had to be contributed by the larger burghs, in addition to their own proper quotas of the tax.

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[1] Printed "Records of Convention," vol. iv., pp. 464, 465.

The Commissioners on Municipal Corporations in Scotland, in their General Report in 1835, state that "the relief obtained by the royal burghs, in return for this participation in their privileges, proved comparatively small, and has been gradually diminishing, not much exceeding at the present day a fortieth part of the tax.[3] In the same Report the Commissioners thus summarised the state of the law in 1835, as affecting the freedom of trade, and the remedy which they proposed[4]:—

> "Since the union of the kingdoms in 1707, there has been no direct attempt, by Parliamentary authority, either to protect and enforce the exclusive privilege of trade or to relax and alleviate the effects of its severity. The law, in so far as it rests upon statutes, continues the same at the present day, with only very trifling modifications; and courts of justice could not even now refuse giving effect to it. It is, however, very remarkable, that neither before nor since the Union has the number of litigated cases, arising on the statutes, been considerable; and on the part of the larger and more prosperous towns, any proceedings of the kind may be said to have been almost unknown. The exceptions to the contrary, even among the smaller burghs, are not here deserving of any minute detail; turning generally either on the title of the prosecutors to maintain any action under the statutes, the particular mode of enforcing compliance with the injunctions of the statutes, or the precise limits to which the right of exclusion could be carried. In cases of the last of these classes, the

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[1] "Printed Records of Convention," vol. iv., p. 484.

[2] *Ibid.*, p. 492.

[3] General Report, p 77.

[4] *Ibid.*, pp. 77, 78.

general tendency of the decisions has been favourable to the extension of free trade. Thus in the year 1757, it was determined that goods brought from London were not to be deemed foreign goods in the sense of the Acts 1672 and 1690. In favour of the members of the incorporated trades it was decided in 1793, that they might import all the materials of their respective trades and export the produce of their own manufacture; but on the other hand, that they could not deal as merchants in the native commodities of England, nor import manufactured goods. Even this restriction, however, has been done away by a later decision in 1823, finding that craftsmen might import and sell goods manufactured in England, provided they were of that description to which their own exclusive privilege of manufacture extended.

"Looking, therefore, to the present state of the law of Scotland in this department, it cannot be said that it has recently undergone any substantial alteration; yet most certain it is that it has been gradually subsiding into desuetude, in consequence of the generally prevailing opinion of its public impolicy, and a conviction, on the part of the privileged classes, of its real inutility for the well-being either of individuals, or of the communities to which they belong. Even if abandoned merely to the operation of time, its legal existence could not be much prolonged; and the commerce of the country would become nearly as free in theory as it has already become in ordinary practice. Still, however, the system, although usually dormant, still survives, and may still be employed by individuals as an instrument of vexation, or as the means of extorting advantageous compromises from unfree traders. In some burghs of the smaller class, entries as burgesses and guild brethren are successfully enforced merely by threats of prosecution. In others, temporary licences are sold to individuals, certainly on not very extravagant terms, yet in a way to repress adventure, or to expel the adventurer beyond the privileged boundaries.

"On the whole, therefore, and in concurrence with the opinion of the best-informed classes of mercantile men, we cannot hesitate in recommending the entire abolition of this class of exclusive privileges. In favour of their continuance nothing better can be said than that they are now very nearly innocuous; but even the possibility of a partial or trivial evil, to which they may give occasion, does not now admit of serious apology."

The recommendation contained in this Report received effect on 14th May 1846, by the passing of the Act 9 Victoria, cap. 17, which proceeds as follows:—

"Whereas in certain royal and other burghs in Scotland, the mem-

> bers of certain guilds, crafts, or incorporations possess exclusive privileges of carrying on or dealing in merchandize, and of carrying on or exercising certain trades or handicrafts within their respective burghs; and such guilds, crafts, or incorporations have corresponding rights, entitling them to prevent persons not being members thereof from carrying on or dealing in merchandize, or from carrying on or exercising such trades or handicrafts within such burghs; And whereas it has become expedient that such exclusive privileges and rights should be abolished: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, that from and after the passing of this act all such exclusive privileges and rights shall cease, and it shall be lawful for any person to carry on or deal in merchandize, and to carry on or exercise any trade or handicraft, in any burgh and elsewhere in Scotland, without being a burgess of such burgh or a guild brother, or a member of any guild, craft, or incorporation: Provided always, that in lieu of the stamp duties of One pound and Three pounds now payable on the admission of any person as a burgess, or into any corporation or company in any burgh in Scotland, for the enrolment, entry, or memorandum thereof in the court books, roll, or record of such corporation or company, there shall, from and after the passing of this act, be paid on every such admission a stamp duty of five shillings."
>
> "II. And be it enacted, that, notwithstanding the abolition of the said exclusive privileges and rights, all such incorporations as aforesaid shall retain their corporate character, and shall continue to be incorporations, with the same names and titles as heretofore; and nothing herein contained shall anywise affect the rights and privileges of such incorporations, or of the office-bearers or members thereof, except as hereinbefore enacted."

III—Setts of the Royal Burghs of Scotland.

Royal burghs are held, in law, to derive their existence and constitution from royal charters, either existing or presumed to have existed but to have perished by the accidents of war and time. Such burghs as, while not possessing charters of erection, have nevertheless, from time immemorial, been recognised as royal burghs, and have possessed the rights and privileges and been subjected to the burdens and obligations incident to that class of burghs, are known as burghs by prescription. But it must be admitted that, however convenient the presumption that burghs by prescription originally possessed charters of erection which have been lost or destroyed, it receives no support from ascertained facts. It is to be received as a legal fiction rather than as an historical truth. So early as the time of David I.,—whose reign of thirty years terminated in 1153,—Perth, Edinburgh, Stirling, Dunfermline, Elgin, and other towns, were recognised as royal burghs in grants to religious houses and public documents, but there is no evidence that any one of these, or the other oldest burghs of Scotland, ever had anything of the nature of a charter of erection. In the earliest burghal charters of which a trace now exists, the grants of lands or privileges are made to the burgesses of the particular burgh, or to the burgh itself and its burgesses. This seems to imply that the burgh existed antecedent to the charter; and, indeed, there is little room for doubt that long before charters were granted, little communities had been formed on the domains of the Crown for mutual support and the promotion of objects of common interest; that these communities had gradually acquired various rights, privileges, and immunities, and habits and forms of self-government; that, as such communities, they were known as burghs; and that when the sovereign came to confirm or extend their rights and privileges by charter, he recognised these little centres of industry as burghs, and designated them "my burghs." If this view be correct, it was unnecessary for the sovereign to do more than make his grant to the burgh or its burgesses of the lands or privileges he intended to confirm or confer. The community already existed as an organised body, and if the code known as the Laws of the Four Burghs, or a considerable portion of it, is accepted as of the date of the reign of David, by whom it bears to have been compiled, it would seem that even at that early period the Scottish burghs possessed more or less completely a system of burghal administration, the leading features of which still survive. From that code, and from such ancient documents as the Statutes of the Guild—assigned to the first half of the 13th century,—the Articuli Inquirendi in Itinere Camerarii—apparently of the first half of the 14th century,—and the Iter Camerarii—attributed to the latter half of the 14th century,— glimpses may be had of the general features of the constitution of the early royal burghs. Probably at that remote period even, considerable diversity existed as to the number of magistrates and office-bearers in the several burghs, and the mode of electing them, though in all burghs there seems no reason to doubt that the elective power was originally vested in the whole community of the burgesses.

The Burgh Laws appointed the alderman and bailies [*prepositi*] to be chosen through the counsel of "the good men of the town."[1] It contains no distinct reference to the body now known as the town council, but it enacted that in every burgh of the realm the "superior," which in the old Scotch translation is rendered mayor or alderman, should cause twelve of the more sufficient and discreet burgesses to swear by their great oath to keep and maintain to the utmost of their power all the laws and just customs of the burgh.[2] This body of twelve is probably what originally received and afterwards retained the name of the "duodene" or "dusane" long after the number of its members exceeded the limit of twelve; and in the oldest records of many of the Scotch burghs, "the dozen" appears to have been used to express what is now meant by the term the town council. The Statutes of the Guild,—enacted originally for Berwick, but subsequently accepted by the other burghs of Scotland,—ordained the mayor and bailies [*maior et prepositi*] to be chosen at the sight and by the consideration of the whole community,[3] and appointed the whole community to be governed by twenty-four good men of the better, more discreet, and more trustworthy of the burgh thereto chosen, together with the mayor and four bailies. There is little room for doubt that the electoral body referred to in the former code under the designation of the "good men of the town," and in the latter code as the "whole community," were one and the same class, viz., the burgesses of the burgh. The oldest extant record of a burgh election in Scotland, viz., that of Aberdeen in 1398, shows that in conformity with the provisions of both codes, the alderman and four bailies were elected "with the consent and assent of the whole community of the burgh." At the same time, and apparently by the same body of electors, twenty persons were elected under the name of common councillors, along with sergeants, liners, and other burghal officers.[4] The oldest record of a burghal election in Edinburgh professes to be of the date 1403, but this may possibly be an error of the transcriber, and the true date may have been 1453. Whichever of the two dates is the correct one, however, the record is interesting, as indicating that in that burgh, as in several of the early English burghs, the brethren of the guild had come to be practically co-extensive with, and to include, the whole body of the burgesses, and also as showing that the provost and officers of the burgh were elected as officers of the guild at the head guild court. The "duodene" or council of the burgh then elected consisted of forty-five persons.[1] But as regards the "duodene," there seems to have been no fixed number, for in another year there appears to have been thirty-eight, and in another thirty-two.

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[1] Leges Burgorum, sec. 70.

[2] *Ibid.*, sec. 112.

[3] Statuta Gilde, sec. 38.

[4] Extracts from the Council Register of Aberdeen (Spalding Club), vol. i., pp. 374-375.

The ancient system of election of the magistrates and councils of burghs by the whole community was however changed by subsequent legislation, and by acts of the burghs themselves, to which reference will shortly be made.

In the reign of James II. the Act 1455, c. 9, ordained

> "for the common profet of all the burowis of the realme, at thar be viij or xij personis, efter the quantite of the towne, chosin of the secret consale, and suorne thairto, the quhilkis sall decret all materis of wrang and vnlawe within the burghe to the auale of v li or within apone viij dais warnyng."[2]

And in the following reign the disadvantages which were said to have arisen from the popular character of burghal elections were made the ostensible ground for a change in the law. The Act 1469, c. 5, accordingly enacted as follows :—

> "As tuiching the electioune of alderman, bailyis, and vtheris officiaris of burowis, becaus of gret truble and contensione yeirly for the chesing of the samyn throw multitud and clamor of commonis sympil personis, it is thocht expedient that nain officiaris na consail be continuit efter the kingis lawis of burowis forthir than a yeir. And at the chesing of the new officiaris be in this wise, that is to say, that the aulde counsail of the toune sall cheis the new counsail in sic novmyr as accordis to the toune. And the new counsail and the aulde of the yeir before sall cheis all officiaris pertenyng to the toune, as alderman, bailyis, dene of gild and vtheris officiaris.

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[1] Extracts from the Records of the Burgh of Edinburgh (Scottish Burgh Records Society), vol. i., pp. 1, 2.

[2] "Acts of the Parliaments of Scotland," vol. ii., p. 43.

> And that ilka craft sall cheis a persone of the samyn craft that sall haue voce in the said electioune of the officiaris for that tyme in like wise yeir be yeir. And attoure it is thocht expedient that na capitane nor counstable of the kingis castellis, quhat toune thai evir be in, sall beir office within the said toune as to be alderman, bailye, dene of gild, thesaurare, na nain vther officiare that may be chosing be the toune, fra the tyme of the next chesing furth."[1]

Both these acts imply that the number of the council in the various burghs was not to be uniform, and the latter contemplates that the number as previously existing should still be observed. These enactments were supplemented in the reign of James III. by the Act 1474, c. 12, which ordained

> "In burowis, notwithstanding the actis maide of before, that thair salbe of the aulde consale of the yer befor foure worthy personis chosin yeirly to the new consale at thair entre to syt with thame for that yere and haue power withe thame to do justice."[2]

And by the Act 1487, c. 14, which ordained

> "That the act of parliament anent the chesing of officiaris in borowis be ratifiit and apprufit and put to execucioun in tym to cum to be obseruit and kepit sa that the eleccioun of the officiaris micht be of the best and worthiest induellaris of the toun, and nocht be parcialite nor masterschip, quhilk is vndoing of the borowis quhar masterschippis and requestis cummis."[3]

Sixteen years later, in the reign of King James IV., the Act 1503, c. 28, enacted that

> "All officiaris, prowestis, balyeis, and others havand office of jurisdictione within burghe, be changeit yerlie, and that nain haif office of jurisdictione within burghe bot thai vsis merchandice within the said burghe."[4]

It is obvious, however, that these acts did not receive universal observance, for a Convention of the Burghs, held at Aberdeen on 14th April 1529, appointed representations to be made to the King to the effect

> "That sic personis be chosin prowest and balyies yearlie that ar burges and induellaris within the burght, and nane utheris, under the pane of ane hundreth lib. to the kingis grace, and gif ony able person beis chosin and

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[1] "Acts of the Parliaments of Scotland," vol. ii., p. 95.

[2] *Ibid.*, vol. ii., p. 107.

[3] "Acts of the Parliaments of Scotland," vol. ii, p. 178.

[4] *Ibid.*, vol. ii., p. 244.

> refuse the office that tha sall nocht be able to bruik ony preuilege or fredome of the brught in na tym to cum." [1]

The Act 1535, c. 35, passed in the reign of James V., ordained

> "That na man in tyme cuming be chosen provest, ballies or aldermen in to burcht, bot thai that ar honest and substantious burgessis, merchandis and induellaris of the said burcht, vnder the pane of tynsale of thare fredome quha dois in the contrar." [2]

Notwithstanding this legislation, which applied to all royal burghs, the practice in the different burghs was far from uniform. Local influences differing in different burghs modified the usage in each, till, in process of time, the constitutions of the royal burghs exhibited an endless variety in everything beyond the recognition of the principle of self election established by the Act of 1469. This diversity is referred to in an act of the Convention of Burghs, held at Edinburgh on 4th April 1552. That act proceeds on the preamble of the

> "grete variance standand in diuers and sindry borrowis of this realme of the maner of the chesing of thair officiaris, sic as provest, baillies, thesaurer, dene of gild and counsale, yeirlie at Michaelmas;"

for eschewing whereof "and for perpetuall guid ordour to be vsit thairin in tyme cuming,"

> "It is concludit and statut be the provestis and commissaris of borrowis foirsaidis that sic ordour be tane thairin as is in the burch of Edinburgh, viz., Becaus the maner of the chesing yeirlie is at Michaelmass that vpoun Wednisday nixt precedand the said feist of Michaelmes the provest, baillies, dene of geild, thesaurer and counsale for the tyme, convene in the Tolbuyth thereof, and thai to cheis ane new counsale to the nowmer of twelf personis, quhilkis salbe thir viz; the provest of that yeir, the four baillies, the dene of gild and thesaurer salbe seven thairof; and thairefter to cheis sic thre vther honest merchandis and twa craftismen, quhilk sall mak xij personis, and thai to be callit the new counsale. Quhilk new counsale and auld counsale to convene on Fryday thairafter, and cheis the litis to the offices, sic as provest, baillies, dene of gild and thesaurare, and to ilkane thairof thre merchandis of the burch and na craftismen. It is of ressone and auld vse that the provest than present, the dene of gild and thesaurare ar

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[1] "Printed Records of Convention," vol. i., p. 511.

[2] "Acts of the Parliaments of Scotland," vol. ii., p. 349.

> litis to that samin office for the yeir to cum, and not the baillies without thai be new chosin thairto. And vpoun the Tuisday next following the feist of Michaelmes thair sall convene in the Tolbuyth the auld counsale and new, and the dekynis of craftis, and thair to begyn at the litis of provestre, and to woit about throw that haill nowmer and se, and he that gettis monyest wottis to be chosin and sworn incontinent, and swa furth to the four baillies thesaurer and dene of gild. And gif of the personis chosen vpon the new counsale happynnis to be chosin ane lite to ane vther office, and promovit thairto, ane vther to be chosin be the auld counsale and new allanerle in his rowme. And als that thair be na maner of personis suppois he be burges of bruch and abill thairfor be chosin to be provest, baillie, thesaurar or dene of gild of the bruch, without he haif bene ane yeir or twa vpoune the counsale thairof." [1]

This act was supplemented by another passed by the Convention at Cupar in 1578, to the effect that no burgh should elect as its commissioner to parliament or convention any except "sic as ar frie merchantis and gild brethir traffecquaris thairin as ane frie merchant." [2] In June 1593 the Convention at Dysart ordained

> "for avoyding of greitt inconvenientis within brugh that the prouest baillies, deane of gild, thesaurer and counsall of ilk brugh be nocht chosin bott according to the actis of parliament and statutis of burrowes and na vtherwayes,"

under the penalties therein prescribed.[3] And in July 1607, the Convention at Dunbarton, on a general finding,

> "thatt all the burrowis of this realm aucht and sould mak thair forme of electioun of thair magistratis and counsale conforme to the actis of parliamentis and burrowis,"

ordained that burgh to produce the form of its election so as to show that it had been properly made.[4] Two years later the Act of Parliament 1609, c. 15, passed in the reign of James VI., enacted

> "That na man sall in ony tyme commyng be capable of provestrie or magistracie within ony burgh of the realme, nor to be electit to ony of the

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[1] "Printed Records of Convention," vol. i., p. 3.

[2] *Ibid.*, vol. i., p. 75.

[3] "Printed Records of Convention, vol. i., p. 413.

[4] *Ibid.*, vol. ii., p. 243.

> saidis offices within a burgh bot merchandis and actual traffikers inhabiting within the saidis burghis alanerlie, and na otheris." [1]

This was followed on 6th July 1614 by an act of the Convention, held at Edinburgh, ordaining all the burghs to make their elections in conformity to the acts of parliament and of burghs, under a penalty in each case of failure of 500 merks.[2] Each commissioner was ordained to intimate the ordinance to the burgh which he represented, and every burgh was required, under a penalty of £20, to report to the next Convention the whole process of its elections. At the following Convention, held at St Andrews on 4th July 1615, the following act was passed, introducing a new principle into burghal elections:—

> "Anent the article of the missive concerning the electione of the magistrats within burgh, the saids commissioners of burghs having sein and considerit the acts producit bearing the formes keipit within ilk burgh anent the electione of the saids magistrats, and finding that in the tyme of the electione the haill nummer of the persones having power to votte conveins not for that effect, pairtlie because they ar absent in thair voyages furth of this realme and pairtlie withdrawen be attending vpon thair awin necessar effairs, or utherwayes be visitat with death, thairfor the saids commissioners, all with one consent, hes statute and ordeanit that if anye of the saids electors be absent fra the said electione, that the provest, baillies and counsell present, sall have power to elect anye qualifeit persones wha hes bene ane counseller of that burgh of befoir to supplie the absence of ilk absent counseller fra the said electione, and lykwayes in caice anye of the deikins of crafts be absent fra the said electione to nominat the deikin of that craft the yeir preceding to supplie his place; quhilk persones sa nominat sall have as gritt power to vote in the said electione as if the ordinar electors war present. And lykways the saids commissioners, understanding the gritt confusione in the electione of the deacons of crafts within sum burrowes, quhilk proceids from the electione of the saids deikins vpon severall dayes and in divers seasons of the yeirs to the gritt hinderance of the commoun effairs of the saids burrowes; thairfor they have statute and ordeanit the deakins in all the burrowes of this realme sall be electit vpon ane day within ten dayes preceiding or following ilk feast of Michelmas, vnder the pain of ane unlay of ane hundreth punds to be vpliftit of the contraveners of this present act to be payit to the burrowes. And ordeans ilk commissioner to intimat this act at thair home cumming

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[1] "Acts of the Parliaments of Scotland," vol. iv., p. 435.

[2] "Printed Records of Convention," vol. ii., p. 448.

> to the provest, baillies, counsell and deikins of crafts of thair burgh; and ilk burgh to report thair diligence anent the observatione heirof to the nixt general conventione, under the pain of ane unlay of twentie punds."[1]

The original records of the Convention are awanting from 3rd March 1631 till 3rd July 1649, but a Compend of the Acts, Statutes, and Constitutions of the General and Particular Conventions, prepared by authority of the burghs, and submitted to the General Convention in 1700, shows that in 1637 the convention held at Glasgow passed the following act:—

> "The commissioners of burrows being convened anent that part of the third act of the particular convention of burghs holden at Edinburgh, 17 November last, ordaining ilk burgh to conform themselves to the Acts of Parliament and Burrowes in election of their council, the present commissioners understanding that some of the burghs does not proceed in the election of their said council soe formally as they should, therefore ordains all their saids elections to be made hereafter conform to the Acts of Parliament and Burrowes. That none be chosen to be upon the council but merchants and craftsmen, actual and real burgesses dwelling within the town, and bearing all portable charges within the samen; and that none have places in election of councill or magistrats but those of the old councill alleanarlie with those of the new, excepting if any of the said old or new councill be absent, that those who are there present may choise another burges of the quality of the absent to vote in his place, and ordaines this order to be keeped inviolably among the haill burrowes under the paine of ane 100 lib."[2]

In July 1697 the Convention, on a representation by the commissioner of Brechin, enacted and ordained—

> "that not only the magistrats of Brechin shall be continwed counsellors for the year immediately enshewing ther office of magistracie, but lyekwayes the haill other royall borrowes whois custome it has been to containow ther magistrates, counsellors for the year enshewing ther removall from the office of magistracie, shall be inviolably observed in tyme comeing, but prejudice allwayes to such burghs as haue there sett and constitution otherwayes to containow as formerly."[3]

Specific as this legislation was, it wholly failed to secure uniformity in burghal elections. The acts of parliament and the statutes of the burghs themselves were openly violated in many of the larger burghs, both as regarded the class of persons elected to the magistracy, and the period during which they were allowed to hold office. In some burghs the merchant guild was an organised body, and a dean of guild and council formed a part of the recognised constitution. In others this was not the case, and the struggles between the merchant class to maintain or extend their supremacy in the management of burghal affairs, and of the craftsmen to secure a larger share of electoral power, were frequent and prolonged, and distinguished by much acrimony of feeling. The details of these disputes occupy a large part of the records of the proceedings of town councils in former times, and some mode of settlement became necessary. In Edinburgh the contending parties submitted their differences to arbiters, who devolved the submission upon King James VI. as oversman, and his decree arbitral, pronounced in 1583,[1] settled the controversy for a time. When another dispute arose, it was in like manner referred to Archibald Earl of Islay, afterwards Duke of Argyle, who issued his decree arbitral in 1730.[2] These decrees still form an important part of the municipal constitution of the city. In Aberdeen, after ineffectual attempts to have similar disputes adjusted by the commissioners of burghs in 1590 and 1592,[3] and after much litigation in the Court of Session, and an appeal to Parliament, a reference was entered into to King James VI. as oversman and to twelve arbiters, who pronounced a decree arbitral in 1592, which settled a number of questions.[4] In Glasgow, after a good deal of ineffective procedure in the Convention of Burghs,[5] the merchants and craftsmen also submitted their disputes to arbiters, who named oversmen, and these arbiters and oversmen, by their award, which is known as "The Letter of Guildry," settled the constitution of the burgh in 1605.[6] In Kirkcaldy the Earl of Rothes, acting as umpire between the contending parties in the burgh, fixed its sett by his decree arbitral of 1662.[7] In other cases the disputants jointly, or some of them, invoked the aid of the Convention which claimed to have authority under the Acts of Parliament 1487,

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[1] "Printed Records of Convention," vol. iii., pp. 6, 7.

[2] "Printed Records of Convention," vol. iv., pp. 542, 543.

[3] *Ibid.*, vol. iv., pp. 239, 240.

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[1] Pp. 161-164.

[2] Maitland's History of Edinburgh, pp. 235-237.

[3] "Printed Records of Convention," vol. i., pp. 312-383.

[4] Kennedy's "Annals of Aberdeen," vol. i., pp. 150-164.

[5] "Printed Records of Convention," vol. i., pp. 469, 479, 495; vol. ii., pp. 6, 27.

[6] Pp. 171-174.

[7] Pp. 176, 177.

c. 17,[1] and 1581, c. 26,[2] to cognosce in all matters of dispute between burgesses in burgh, or between burgh and burgh. When so appealed to, the Convention usually appointed a committee of their number to investigate and settle the matters at issue, and not unfrequently the committee so appointed visited the burgh and heard parties on the spot. Thus the Convention settled many disputes, and fixed the setts of a large number of the burghs. The following instances occur in the records of the body previous to the date at which the collection of setts now printed was originally appointed to be made. In July 1594 various questions between the guild brethren and craftsmen of Dunfermline were settled,[3] and after a variety of procedure, the sett of the burgh was fixed in 1618,[4] and amended in 1724[5] and 1733.[6] In July 1620 the Convention fixed the sett of Stirling.[7] By the same authority the setts of the following burghs were adjusted and confirmed:—Haddington in August 1654,[8] amended in July 1655,[9] July 1656,[10] July 1657,[11] and October 1657;[12] Culross in July 1658,[13] and April 1659;[14] Perth in July 1658;[15] Montrose in July 1659;[16] Jedburgh in May 1662;[17] Brechin in March 1668;[18] Inverness in September 1676;[19] Banff in July 1705;[20] Elgin in September 1705;[21] Kirkcudbright in 1706;[22] Tain in 1708.[23]

The action of the Convention in checking and punishing violations of the Acts of Parliament and its own statutes, in regard to elections, also shows how divergent was the practice of many burghs. Of that action the following may be accepted as illustrations. In 1579, Dundee was fined £40 for electing as provost and sending as its commissioner the tutor of Petcur, who was not a merchant trafficker.[1] Stirling was fined £40 in 1609,[2] and £100 in 1610,[3] for failure to satisfy the Convention that its elections were regularly conducted. In 1613 Perth was fined £100 for contravening the acts as to elections, and specially for having appointed a craftsman in one case and a nobleman in another to be provost.[4] In 1616 Perth was again fined £500 for having elected Lord Scone as its provost, and £100 for having contravened the Act of Convention relative to the election of deacons of crafts.[5] In 1617, Linlithgow was fined £100 for electing Andrew Milve, surgeon, to be provost;[6] and in the following year both Linlithgow and Perth were fined £500 each for contraventions of the Acts relative to elections.[7] In 1619, Stirling was again found to have violated these acts by electing a craftsman to be a bailie.[8] In 1623, Dunbar was fined £100 for electing Sir James Baillie to be its provost; and Inverkeithing a similar sum for electing William Inglis to be provost, and Patrick Stewart of Beith to be on the council.[9] Wigton came under censure, in 1629, for electing the Earl of Galloway as its provost, but escaped fine by promising amendment.[10] Besides these more severe forms of discipline, the Convention is found frequently enjoining various burghs to make their elections in accordance with the law. As examples of this, reference may be made to Dumbarton in 1617,[11] Stirling in 1608,[12] Perth in 1612,[13] Stirling in 1614,[14] Perth and Selkirk in 1616,[15] Inverkeithing and Kirkcudbright in 1618,[16] St Andrews and Dunfermline in 1619,[17] Wigton and Selkirk in 1619,[18] Dumfries in 1623,[19] Selkirk, Banff, Jedburgh, and Inverkeithing in 1628.[20]

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[1] "Acts of the Parliaments of Scotland," vol. ii., p. 179.

[2] *Ibid.*, vol. iii., p. 224.

[3] "Printed Records of Convention," vol. i., p. 448.

[4] P. 201; "Printed Records of Convention," vol. iii., p. 63.

[5] Pp. 240-260.

[6] Pp. 280-282.

[7] "Printed Records of Convention," vol. iii., pp. 110, 111.

[8] *Ibid.*, iii., p. 389.

[9] *Ibid.*, iii., p. 413.

[10] *Ibid.*, iii., p. 422.

[11] *Ibid.*, iii., p. 437.

[12] *Ibid.*, iii., p. 452.

[13] Pp. 216, 217; "Printed Records of Convention," vol. iii., p. 463.

[14] *Ibid.*, iii., pp. 484-486.

[15] *Ibid.*, iii., pp. 466-468.

[16] *Ibid.*, iii., pp. 489, 490. But this action does not appear to have been effectual, for, on a reference from the Lords of the Articles and from Parliament, on a complaint by the merchants against the magistrates of Montrose, the Convention reported its opinion, in February 1661, as to the mode in which the dispute should be settled. *Ibid.*, iii., pp. 537, 538.

[17] *Ibid.*, iii., p. 559.

[18] *Ibid.*, iii., pp. 602-606.

[19] Pp. 183-188; "Printed Records of Convention," vol. iv., pp. 2, 179; App., p. 559.

[20] "Printed Records of Convention," vol. iv., pp. 370, 375-378.

[21] Pp. 209-211; "Printed Records of Convention," vol. iv., pp. 393, 396, 397.

[22] Pp. 197-199; "Printed Records of Convention," vol. iv., 406-409.

[23] Pp. 213-215; "Printed Records of Convention," voi. iv., p. 458.

These facts, and the frequent applications to the Convention to investigate and decide disputes as to other details of burghal administration, rendered it very desirable for its future guidance that, as regarded those burghs which had written setts, authentic copies should be transmitted, and as regarded such burghs as had not written setts, that each burgh should be required to formulate and transmit an authoritative statement of its previous practice. Accordingly, on 15th July 1708, the Convention passed the following Act :—

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[1] "Printed Records of Convention," vol. i., p. 80.

[2] *Ibid.*, ii., p. 275.

[3] *Ibid.*, ii., p. 290.

[4] *Ibid.*, ii., p. 411.

[5] *Ibid.*, iii., pp. 19-21.

[6] *Ibid.*, iii., p. 38.

[7] *Ibid.*, iii., p. 57.

[8] *Ibid.*, iii., p. 80.

[9] *Ibid.*, iii., p. 139.

[10] *Ibid.*, iii., p. 284.

[11] *Ibid.*, ii., p. 243.

[12] "Printed Records of Convention," vol. ii., p. 255.

[13] *Ibid.*, ii., p. 378.

[14] *Ibid.*, ii., p. 447.

[15] *Ibid.*, iii., pp. 19-21.

[16] *Ibid.*, iii., pp. 54, 55.

[17] *Ibid.*, iii. p. 80.

[18] *Ibid.*, iii., pp. 80-86.

[19] *Ibid.*, iii., p. 139.

[20] *Ibid.*, iii., pp. 272, 273.

> "Finding by experience that nothing doth creat more trouble to them then irregularities and abuses committed by particular burghs in electing their magistrats and toun counsell contrair to ther sett and antient constitutione, therefor the conventioune to obviat this inconveniencie in time coming statut and appointed that each royall burgh within this kingdome send up their sett to the clerks of the burrows to be recorded in a particular book to be keeped for that very purpose, to the end any questione about their respective setts may be quickly discust upon producing the said book, and that betuixt and the next conventione, certifying such as shall faill herein they shall be fyned by the next annuall conventione in the sum of two hundred pounds Scots money." [1]

And on 5th July 1710 they appointed

> "each burgh to send up their setts to the clerks of the burrows, and . . . such burghs who have not setts of their own to agree upon ane sett for regulating of their elections in time coming to be laid before their next conventione for their approbatione." [2]

Again, on 5th July 1711, they ordered

> "the clerk to acquaint each burgh deficient in sending up their setts to be recorded in a particular book, in terms of the 38 act of the general convention of 1708, that unless sent by 1st November next they will be pursued for the penalty of £200 Scots, and that for a fund for supplying decayed burghs." [3]

The result of this action on the part of the Convention is the collection of setts printed in this volume. But it cannot be said that it had the effect of preventing future quarrels. The records of the Convention contain frequent references to proceedings in which—sometimes on the application of the commissioner of a burgh, and sometimes in consequence of an appeal from one or both of the disputants—the Convention recalled an old sett and substituted a new one, or amended or added to or sanctioned the amendment of the existing sett. Such new or amended setts were duly recorded in the official register of the Convention, and will be found in the present print. Among these are the sett of Tain, fixed in 1708,[1] and amended in 1730; [2] Inverkeithing as recorded in 1709,[3] amended in 1716,[4] and again in 1742; [5] Dingwall [6] and Queensferry [7] fixed in 1710; Craill fixed in 1711,[8] and Wick as recorded in 1711, amended in 1716 in accordance with its charter; [9] Sanquhar fixed in 1714; [10] Kirkcaldy as fixed by Lord Rothes' decree arbitral in 1662, amended in 1721; [11] Burntisland as reported to the Convention in 1709,[12] amended in 1722; [13] Inverness as fixed in 1676,[14] amended in 1722; [15] Fortrose as reported in 1711,[16] confirmed in 1722,[17] and an amendment of the original sett by the council of the burgh in 1722,[18] ordered to be deleted as scandalous, and to receive no effect; [19] Arbroath as reported in 1710,[20] amended in 1725 [21] and in 1821; [22] Crail as recorded in 1711,[23] amended in 1742; [24] St Andrews as originally recorded,[25] amended in 1745; [26] Glasgow as fixed by the Letter of Guildry, and recorded in 1711,[27] amended by the magistrates and council in 1748 [28] and 1801,[29] and approved of by the Convention in the same years; Kinghorn as recorded in 1710,[30] amended by the town council in 1744, and confirmed by the Convention in 1769; [31] Montrose as recorded in 1709,[32] amended by the Convention in 1816; [33] Dundee as originally recorded,[34] amended in 1718, and confirmed by the Convention in 1819; [35] Brechin as originally recorded in 1709,[36] amended and confirmed by the Convention in 1820; [37] and Stirling as originally recorded in 1709,[38] altered in 1781 by an order of the King in Council, submitted to the Convention in 1788, and ordered to be registered in the record of setts.[39]

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[1] "Printed Records of Convention," vol. iv., p. 464.

[2] "Printed Records of Convention," vol. iv., p. 502.

[3] "MS. Records of Convention."

In the cases thus referred to as having been dealt with by the Convention or by its committees, it appears that the questions at issue were either referred to the Convention by the disputants, or some of the contending parties had invoked its aid, and that the other parties had acquiesced or subsequently concurred in its findings or recommendations. The records of the Convention, however, show that it declined to interfere in some cases where both parties declined to leave the decision of the questions at issue to the Convention. Of this there is an illustration in the case of the burgh of Aberdeen on 13th June 1590.[1] In other cases where any of the disputants refused to recognise its authority, the Convention sometimes proceeded to punish the offenders by fine or deprivation of the privileges of burgess-ship, or more usually to lend its aid to the other party in asserting or defending their rights in court. Obviously there was growing up in the burghs, towards the close of the seventeenth century, a tendency to prefer the Court of Session to the Convention as the judicatory to determine burghal controversies; and the tendency was viewed with disquietude by the Convention, who saw in such recourse to the supreme law court an interference with what it conceived to be its own ancient rights and privileges. Matters were brought to a distinct issue in 1720, when an election in Culross having been disputed, the parties were called before a committee of the Convention, but the defenders boldly impugned the right either of the committee or of the Convention to deal with the question. On consulting the then Lord Advocate,[2] he declined to give a written opinion, but said "he thought the royal burghs were not founded in law as to any powers of judging or cognoscing on the validity of elections; neither, thought he, in prudence, the committee should judge in the present case but leave it to the General Convention." Under these circumstances Mr James Graham and Mr Duncan Forbes[3] were consulted for the committee, and gave their opinion that having regard to the Acts of Parliament, and the Statutes and practice of the Convention, the Convention had power "to take cognizance of debates of the nature above represented, and to call before them such persons as are complained upon in order to have the said differences and debates brought and tabled before them to the end to be composed and agreed by their mediatione." In the event of the parties so-called refusing or declining to recognise the authority of the Convention, counsel advised that the offenders should be declared "disturbers of the peace of the burrows and contemners of the authority of the royal burrows," and be fined and "amerciate in the usual fines appointed by the royal burrows in cases of contempt." This advice was acted upon, and the parties who still declined to submit themselves to the committee were summoned to appear before the General Convention, to whom was remitted the consideration of the punishment to be inflicted. In the meantime, however, some arrangement seems to have been entered into. The parties who had previously declined the jurisdiction of the Convention appeared before it in July 1721 and withdrew their declaration, whereupon the burgh was reponed against the sentence of the committee, and the matter ended. But the example of insubordination thus set was frequently afterwards followed, and the Convention, who in some cases apparently remonstrated with the judges, and endeavoured otherwise to get the Court not to entertain such questions, contented themselves with deciding against the parties who declined their authority, and authorised the agent of the burghs to assist the other party in prosecuting or defending their interests. At this time it is interesting to observe that the Convention was in the frequent practice not only of authorising the sale and feuing of the common good of burghs on cause shown, but of appointing *interim* managers of such burghs as were deprived of magistrates from any cause. It is scarcely necessary to add that the cognoscing of disputes in regard to elections, and also the appointment of *interim* managers, has long since passed exclusively into the Court of Session. So early as 1723-24, the Act 7 George IV., c. 16, enacted that any magistrate or councillor of a burgh who apprehended that a wrong had been done at an annual election, might, within eight weeks after such election, bring his action before the Court of Session for rectifying such abuse, or for making void the whole election, if illegal, and the Court was required to determine the cause summarily, and allow the successful party the full costs of suit. The time for challenging disputed elections was still further limited in 1853 by the Act 16 Victoria, cap. 26, which excludes challenge of municipal elections after a month from the date of the election.

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[1] "Printed Records of Convention," vol. iv., pp. 481-493.

[2] P. 280.

[3] P. 193.

[4] P. 275.

[5] P. 260.

[6] P. 230.

[7] Pp. 230-232; "Printed Records of Convention," vol. iv. p. 508.

[8] P. 212; "MS. Records of Convention."

[9] Pp. 234, 273, 274.

[10] P. 238.

[11] Pp. 276, 277.

[12] P. 192.

[13] Pp. 277, 278.

[14] Pp. 183, 192.

[15] P. 278.

[16] P. 232.

[17] Pp. 278, 279.

[18] Pp. 239, 240.

[19] Pp. 278, 279.

[20] Pp. 208, 209.

[21] Pp. 279, 280.

[22] Pp. 293, 294.

[23] Pp. 212, 213.

[24] P. 288.

[25] Pp. 169-171.

[26] Pp. 282-286.

[27] Pp. 171-174.

[28] Pp. 261-266.

[29] Pp. 286, 287.

[30] Pp. 193, 194.

[31] Pp. 266-268.

[32] Pp. 177, 178.

[33] Pp. 287, 288.

[34] Pp. 165, 166.

[35] P. 288.

[36] Pp. 194, 195.

[37] P. 291.

[38] Pp. 167, 168.

[39] Pp. 269-272.

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[1] "Printed Records of Convention," vol. i., p. 336.

[2] Dundas, afterwards Lord President of the Court of Session.

[3] Of Culloden, afterwards Lord Advocate and Lord President of the Court of Session.

In so far as the right of the Convention to make or alter the sets of burghs has formed the subject of judicial decision, the later view of the Court of Session seems to have been adverse to the claim of the burghs to act otherwise than with the consent of parties. In 1724 the Guildry of Inverness suspended the Acts of Convention fixing the sett of the burgh in 1676, and amending it in 1722, on the ground that the Convention had no power to alter the constitution of any burgh, and that when the royal grant erecting a burgh did not appear, the forms which had been customary in the town were to be presumed to be the sett, and were usually confirmed by the Convention. It was answered that the powers of the Convention were ascertained by the laws and Acts of Parliament establishing their authority, which were numerous and known; and their possession of these powers, by the exercise of them, appeared from their acts for ages past, giving setts to the greatest part of the royal burghs, and altering them for just and necessary causes. The Lords found that the Convention had power, on just and reasonable considerations, to make alterations, upon due and regular application, on the setts of particular burghs, formerly given them by the Convention.[1] Again, in 1745, the Court sustained the alteration made by the Convention on the sett of Inverkeithing in 1716, and decided accordingly; but in this case it is to be observed neither party impugned the action of the Convention.[2] The right of the Convention to make setts for burghs was again challenged in the case of Hoggan, decided by the House of Lords in 1735, and it was pleaded that no legal sett could flow otherwise than from the authority of the Crown in charters of erection or confirmation, or be introduced by prescription or constant and immemorial custom. The question thus raised was not decided, however, the case having been disposed of on other grounds.[3] But in 1778 the power of the Convention to alter the sett of a burgh was expressly raised, and negatived by the Court after full discussion. In this case the town council of Edinburgh had resolved to apply to the Convention for an alteration of the sett. The Lord Provost and others suspended and pleaded *inter alia* that the

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[1] The Trades and Magistrates of Inverness *v.* Duff and others, Members of the Guildry, February 1724, M. 1839. In this case Mr Duncan Forbes was counsel for the trades and magistrates, and the Lord Advocate Dundas and Mr James Graham were counsel for the guildry.

[2] Cunningham and others *v.* Henderson and others, 29th January 1745, M. 1840.

[3] Hoggan *v.* Wardlaw, February 1734, H. of L., 10th March 1735, 1 Pat., Ap. 148.

Convention had no power to alter the established sett of a burgh, the rights arising from which to the merchants, crafts, and all concerned were as inviolable as rights of private property, and could only be taken away or altered by or under the authority of Parliament; that the Convention had no such power,—the authority conferred on it by the statutes under which it acted being merely that of making regulations relative to commerce, and attending to what concerns the general benefit of burghs. As regarded the powers which the Convention in practice exercised, it was admitted that it had altered old setts in cases where there was either a submission or surrender by all parties having interest. But it was pleaded that it was unnecessary to consider how far they had authority to pronounce such decrees arbitral in these cases, inasmuch as that if any party interested objected, the Convention did not assume or pretend to the power of making an alteration of the sett. In support of this statement reference was made to the case of Aberdeen in June 1590, and Perth in August 1652. The other party (the chargers) answered that the Convention succeeded to the Great Chamberlain in the superintendence of burghs, and that the Act 1487 c. 17, implied a power of giving new setts to burghs and altering old setts, and was explained to have had that meaning by usage. They also referred to the case of Inverness, in which the power of the Convention to alter setts had been expressly recognised by the Court of Session. The suspenders replied that whenever the Convention had altered a sett, there was either a submission by all parties concerned, or a general consent, and that as regarded the case of Inverness, the Court had only held that the Convention could alter a sett formerly given by the Convention itself. The Court held that the Convention had no powers to alter the sett of a burgh.[1]

It has been seen that notwithstanding this decision, the Convention has in several cases altered and amended the setts of burghs, but this has probably been done at the request or with the acquiescence of parties. These alterations and amendments were made, however, long before the passing of the Burgh Reform Act in 1833,[2] which introduced a uniform mode of election of magistrates and councillors in all royal burghs except Dornoch, New Galloway, Culross, Lochmaben, Bervie, Wester

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[1] Dalrymple and others *v.* Stodart and others, 7th August 1778, M. 1861.

[2] 3 and 4 Will. IV., c. 76.

Anstruther, Kilrenny, Kinghorn, and Kintore. The elections in these excepted burghs were appointed to proceed and be conducted as if the Burgh Reform Act had not been passed. As regards all the other royal burghs, that act appointed such number of councillors to be elected under its provisions for each burgh as by its sett or usage constituted the common council of the burgh, or when such number admitted of variation, then the smallest number which might by the sett or usage constitute a full council in such burgh. The councillors so elected in each burgh were moreover appointed to elect a provost or chief magistrate, the number of bailies fixed by the sett or usage of the burgh, a treasurer, and other usual and ordinary office-bearers existing in the council by the sett or usage of the burgh. These enactments of the Burgh Reform Act were modified in 1852 by the Act 15 and 16 Victoria, c. 32, which prescribed the number of councillors and magistrates to be elected in each of the forty-one burghs therein specified, including seven of the nine burghs excepted from the operation of the Burgh Reform Act. Still more recently the Act 31 and 32 Victoria, c. 108, passed in 1868, abrogated the exception contained in the Burgh Reform Act, as regarded the nine burghs above referred to, the elections in which are now conducted in the same way as in the other royal burghs.

J. D. Marwick.

Killermont,
Glasgow, *December* 1880.

APPENDIX TO PREFACE.

No. I.

EXCERPT from a Statement of the Civil List of Scotland, sent to the Lord Protector by Lord Broghill, President of the Council of Scotland, on 12th February 1655.[1]

Annual Salaries of the commissioners for customs, excise, and sequestrations, with their officers employed in those affairs.

	£	S.	D.
Sir James MacDouall, knight, Rich. Saltonstall, esq., Edmon Syler, esq., and Thomas Tucker, esq., commissioners for customs, excise and sequestrations, at £365 a piece .	1460	00	00
Clerk to the commissioners for customs, excise and sequestrations	0200	00	00
Treasurer to the commissioners for customs, excise and sequestrations	0160	00	00
Register accomptant to the commissioners for customs, excise and sequestrations	0080	00	00
Doorkeeper to the said commissioners . . .	0020	00	00
Surveyor-general of the customs and excise, his constant salary £100 a year and 8/. per diem when he travels on the duties of that place in the country . . .	0100	00	00
The sollicitor for the state	0100	00	00
Collector of the customs and excise at the port of Leith, and the precincts thereof, being the bounds between Berwick and Sterling, on the south side of Forth . .	0120	00	00
Assistant to the said Collector at Leith . . .	0040	00	00

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[1] See footnote 2, p. xx.

Cheque of the port of Leith and the precincts thereof aforesaid for himself and one clerk	0100	00	00
Twelve waiters at the port of Leith and precinct thereof above mentioned	0300	00	00
Two waiters at Edinburgh	0050	00	00
Collector of the customs and excise at Burntisland, and the precincts thereof, being the bounds between the river Tay and Innerkethin	0080	00	00
Cheque of the customs and excise at Burntisland and precincts thereof aforesaid	0060	00	00
Eight waiters at Burntisland and precincts thereof above mentioned	0200	00	00
Collector of the customs and excise at Baristoness and the precincts thereof, being the bounds between Sterling and Innerkethin on the north side of Forth, and from Sterling to Queensferry on the South	0060	00	00
Cheque of the customs and excise at Baristoness and precincts thereof aforesaid	0050	00	00
Six waiters at Baristoness and precincts above mentioned	0150	00	00
Collector of the customs and excise at Dundee, and the precincts thereof, being the bounds within the River of Tay to Montros	0080	00	00
Cheque of the customs and excise at Dundee and precincts thereof aforesaid	0060	00	00
Six waiters at Dundee, and the precincts thereof abovementioned	0150	00	00
Collector of the customs and excise at Aberdeen, and the precincts thereof, being the bounds between Montros and the river Spay	0080	00	00
Cheque of the customs and excise at Aberdeen and precincts thereof aforesaid	0060	00	00
Eight waiters at Aberdeen, and the precincts thereof abovementioned	0200	00	00
Collector of the customs and excise at Inverness, and the precincts thereof, being the bounds between the river Tay and the river Spay	0060	00	00
Cheque of the customs and excise at Inverness and precincts thereof aforesaid	0050	00	00
Three waiters at Inverness, and the precincts thereof above mentioned	0075	00	00
Collector of the Customs and excise at Glasgow and the precincts thereof, being the bounds between that and Portpatrick	0080	00	00

Cheque of the customs and excise at Glasgow and the precincts thereof aforesaid	0060	00	00
Five waiters at Glasgow and the precincts thereof above mentioned	0125	00	00
Collector of the customs and excise at Ayre, and the precincts thereof, being the bounds between Port Patrick and Carlisle	0060	00	00
Cheque of tho customs and excise at Ayre and precincts thereof aforesaid	0050	00	00
Four waiters at Ayre and precincts thereof above mentioned	0100	00	00
Head Searcher at the port of Leith	0040	00	00
Total	4660	00	00

An account of the respective sums payable by the farmers of the inland excise monthly for the said excise in the respective shires.

	£	S.	D.
October 5, 1655, the County of Edinburgh (the city and pendicles excepted) to Mr Andrew Greerson, Writer in Edinburgh	0300	00	00
The shire of Haddington to ditto	0150	00	00
The county of Linlithgow to ditto	0060	00	00
The county of Sterling, to James Sterling and Robert Russell, indwellers in Sterling	0081	00	00
The county of Lanarke to Gavin Dunlop of Leith	0250	00	00
The county of Clackmannon to James Rich of Edinburgh	0020	10	00
The county of Fife and Kinross to Thomas Seaton of Cowpar	0370	00	00
The counties of Peblis and Selkirk, to John Glassford of Smithfield	0025	00	00
The county of Roxburgh, to Alexander Cornwall of Lawder	0070	00	00
The county of Berwick to ditto	0050	00	00
The county of Renfrew to John Rowet of Glasgow	0030	00	00
The county of Ayr to Andrew Hinshawe of the Nether Town of Hamilton	0200	00	00

The counties of	Ross Sutherland Caithness Inverness Cromarty, and the parts of Farrintosh	Put to collection by Arthur Dunbar

All the other inland commodities put to collection by the collectors of the customs and excise in the respective ports.

Date		£	S.	D.
Oct. 15.	The county of Dumfries to capt. William Green of Kirkgonion	0050	00	00
„ 16.	The county of Dumbarton to William Stephenson of Edinburgh	0018	00	00
„ 17.	The burgh of Dundee to John Scriminger, bailly of Dundee	0100	00	00
	The county of Wigton and Kirkowbright to William Maxwell of Nethergate . . .	0042	10	00
„ 18.	The counties of Aberdeen and Bamfe to John Forbes of Tilligony	0245	00	00
„ 19.	The county of Forfar (the town of Dundee excepted) to Thomas Ramsay in Montross . .	0092	00	00
„ 20.	The county of Perth to Alexander Glasse of Edinburgh	0210	00	00
„ 22.	The counties of Elgan and Nairn to William Duff of Inverness	0060	00	00
„ 25.	The county of Mearnes to Alexander Seaton of Newarke	0032	00	00
Orkney and Zetland	. . . . .	0025	00	00
		2481	00	00

Orkney and Zetland farmed to John Bailly for 8 months at £25 per month, commencing the 19th of October last, who is to collect the month preceding, and to give an account upon oath; but as yet the indentures are not signed, he having untill the last of this month to find security.

The Counties of Argyle and Bute put to collection by James Hamilton.

The salt made or to be made	between Berwick and Leith	Put to collection by	Thomas Row
	between Leith and Sterling		Wm. Bailly
	between Sterling and Burnt-island		Geo. Smith
	between Burnt-island and St Andrews		Rob. Seaton

No. II.[1]

PROCLAMATION by the Privy Council as to communication of trade to Burghs of Regality and Barony, dated 18th February 1697. Referred to in Act of Convention of Burghs, dated 18th November 1697. (Preface, p. xlii.)

Att Edinburgh, the eighteenth day of February j^{m} vj^{c} nyntie seven.

Sederunt—Lo. Chancelor, E. Melvill, E. Argyll, E. Morton, E. Lauderdale, E. Leven, E. Annandale, E. Forfar, Lo. Yester, Lo. Jo. Hamilton, Vis. Teviott, Lo. Montgomery, Lo. Raith, Lo. Carmichaell, Lo. Justice-Clerk, Lo. Philiphaugh, Lo. Halcraig, Lo. Anstruther, Ld. Pollock, Ld. Blackbarrony, Ld. Leyes, Ld. Cessnock, Ld. Balhousie.

Proclamation anent the stenting of unfree traders.

William, by the grace of God, King of Great Britaine, France and Ireland, Defendar of the Faith to (*blank*) macers of our Privy Councill, messengers at armes, our sherreffs in that part, coniunctlie and seuerallie, speciallie constitut, greeting : Forasmuch as in lieu of the Acts of Parliament against unfree traders, and to prevent the paines that they either had or might have incurred, first, the Royall Burghs, and then the Estates of Parliament, did offer a free communication of trade to the Burghs of Barrony, Regality, and others, they paying the compositions that should be agreed to betuixt them and Mr John Buchan, who stands engadged to releive the saids Burghs Royall of ten pounds of the hundred pounds of their taxt roll, which being only the tenth part of the burden of the saids Royall Burghs, would be very inconsiderable amongst the whole Burghs of Barrony and Regality and other unfree traders of the Kingdome, notwithstanding wherof many of the unfree Burghs and traders, pretending that the proportions laid on them are unequall, have not paid in the samen : For remedy wherof, the said Mr John Buchan, being desyrous that these proportiones may be laid on with all possible equality, and that the saids unfree traders may be releived of the pains of law, either already incurred or which they might incurr, hath applyed to the Lords of Our Privie Councill that due intimation may be made to all concerned of the ease that he is willing to grant to all unfree traders; and we, considering that making the said project effectual will lykewise tend to the promotting of trade in generall throughout the Kingdome : Therfore, we, with advyce of the Lords of our Privie Councill, have thought fitt that a proclamation be emitted in our name and authority, intimating to the haill shires of the kingdome the forsaid benefite now offered, and for ordaining the respective Commissioners of Supply and Excise within the saids shires to meet at their head Burghs, at the dayes abovementioned, to hear and consider the said Mr John Buchan's offers, and to aggree to the same, as they shall see cause, for liberty of trade and releiff of their unfree traders, and if they shall aggree to accept his offers, to divyde the saids respective quotas of the forsaid ten pounds upon the burghs of Barrony and Regality and other unfree traders within their bounds, to the effect that the saids Burghs of Barrony and Regality, and other unfree traders, may freely accept of and acquiesce to the said division, and aggree to make payment accordingly as they shall think fitt, with this certification allanarly that if the saids offers shall not take effect in the method here proposed, the saids haill unfree traders who have not already aggreed with the said Mr John Buchan shall be proceeded against, conform to the acts of parliament against unfree traders and the paines therof exacted upon them with all rigour: Our Will is heirfore, and we charge you strictly and command, that, incontinent these our letters seen, ye pass to the mercat cross of Edinburgh and remanent mercat crosses of the haill head burghs within this Kingdome, and ther, in our name and authority, make intimation of the premisses, and also that ye in our name and authority command and charge the forsaids Commissioners of Supply and Excise to meet at their respective head burghs, these upon the south syde of the Water of Tay upon the first day of Aprile, and these upon the north syde of Tay upon the twenty day of the samen month, to consider and hear the said Mr John Buchan his offers, and to agree to the same as they shall see cause for libertie of trade and releiff of unfree traders, and if they shall aggree to accept his offers to divyde the saids respective quotas of the forsaid ten pounds upon the Burghs of Barrony and Regality and other unfree traders within their bounds, to the effect that the saids Burghs of Barrony and Regality and other unfree traders may freely accept of and acquiesce to the said division and aggree to make payment accordingly as they shall think fitt; with this certification that if the saids offers shall not take effect in the method here proposed, the saids haill unfree traders who have not already agreed with the said Mr John Buchan shall be proceeded against conform to the acts of parliament against unfree traders and the paines thereof exacted upon them, with all rigour. Lykeas we heirby require, and perremptorly command, all inferior magistrats within the Kingdome that they administrat justice speedily and impartiallie to the said Mr John Buchan against all haill forsaids unfree traders who shall refuse to accept of the offer hereby made to them, as they will be ansuerable, on their highest perrill. And ordaines these presents to be printed. Given under our signet, at Edinburgh, the eighteenth day of February and of our reign the eighth year, 1697.

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[1] From "Registrum Secreti Concilii. Acta," Sep. 1696—July 1699, folio 59*b*.

No. III.

REPORT OF PROCEEDINGS, at the instance of JOHN BUCHAN, Agent of the Convention, against Musselburgh and Dalkeith, dated 12th February 1696, as reported by Fountainhall, vol. i. p. 710. Referred to in Act of Convention of Burghs, dated 18th November 1697. (Preface, p. xlix.)

Mr JOHN BUCHAN, Agent for the Royal Burghs, against the Towns of Musleburgh and Dalkeith.

Mr John Buchan, agent for the Royal Burghs, against the towns of Musleburgh and Dalkeith, for paying a proportion of the burghs stent and taxation, or else desist from all trade, either of export, import, or retailing, conform to the clause in the 31st act of Parliament, 1693, anent the communication of trade.

Alleged 1*mo.*—That they were content to be regulated by the Act 1690, anent the trade of the royal burghs; and that the contract betwixt the burghs and Mr John Buchan could make no innovation thereof; and the act in 1693 has only ratified the said contract, but derogates nothing from the Act 1690.

2*do.*—That by King David Bruce's charter, *anno* 1364, to the four burghs belonging to the abbacy of Dunfermling, viz., Dunfermling, Kirkaldy, Queensferry and Musleburgh, and many acts since, they have the full liberty of trade with any other burghs in the nation; and so were *in bona fide* and ought to be assoilyied from bygones.

Answered,—The inequality of all the old acts giving the royal burghs the whole trade was, that it established a monopoly to the exclusion of others; and the iniquity of the 5th Act 1672, was that it robbed the burghs of their privileges, and communicated the same to the burghs of regality and barony, without imposing any part of the burden annexed to these privileges, but leaving the same to be wholly paid by the royal burghs. But now by the Act 1693, all thir inconveniences are cured, and trade is communicated and diffused, they always bearing a proportional part of the burden (but prejudice of the privileges and encouragement given to manufactories); and if ye decline the *onus*, ye must not have the *commodum;* ye must desist from trade either in gross or retail. And, as to the Town of Musselburgh's charters, they were but *periculo petentis et salvo jure*, and taken away by subsequent laws: Neither could the king give them the trade due to royal burghs, in prejudice of the *jus quaesitum* to them; and his grants must be understood *in terminis juris.*

The Lords found the standard and rule of trade now betwixt the royal burghs and other traders was the Act 1693; and such as repudiated the offer of a participation of trade behoved to give over trade, if they would not subject themselves to a share of the burden annexed thereto, and found they could not plead *bona fides* after the public Act of Parliament 1693; and therefore nominated two of the Lords, with the Reporter, to adjust the quota of thir burghs, for bygones and in time coming. But, for the period and interval from the Act 1690 to the Act 1693, found them only liable in the penalties, where they shall be proven to have transgressed the tenor of that Act in buying staple goods from unfreemen, not burgesses of royal burghs.

No. IV.

TABLE showing particulars referred to in the 11th list of the Convention of Burghs, 1697. (Preface, pp. xliii. and xliv.)

Burghs appointed to receive tacks.	For shire of	1. Quarterly Payments.	2. Total Scots money.	3. Proportions of £13, 10s.	4. Proportions of £3, 10s.
Edinburgh	Edinburgh	216 0 0	5203 7 0	0 18 0	0 18 0
Haddingtoun	Haddingtoun	216 0 0	5203 7 0	0 18 0	0 2 0
Lauder	Berwick	144 0 0	3468 18 0	0 12 0	0 2 0
Jedburgh	Roxburgh	252 0 0	6070 11 6	1 1 0	0 9 0
Lithgow	Lithgow	264 0 0	6359 13 0	1 2 0	0 4 0
Perth	Perth	168 0 0	4047 1 0	0 14 0	0 2 0
Inverbervie	Kincairdine	48 0 0	1156 6 0	0 4 0	0 0 6
Aberdeen	Aberdeen	228 0 0	5492 8 6	0 19 0	0 2 0
Invernes	Invernes	32 0 0	770 17 4	0 2 8	0 0 4
Tayne	Ross	16 0 0	385 8 8	0 1 4	0 0 4
Fortrose	Cromartie	10 0 0	240 17 0	0 0 10	0 0 6
Innerara	Argyle	78 0 0	1878 18 9	0 6 6	0 0 0
Craill	Fyfe and Kinross	228 0 0	5492 8 6	0 19 0	0 3 0
Dundie	Forfar	48 0 0	1156 6 0	0 4 0	0 1 6
Bamff	Bamff	48 0 0	1156 1 0	0 4 0	0 2 0
Selkirk	Selkirk	12 0 0	289 1 6	0 1 0	0 0 0
Peebles	Peebles	8 0 0	172 14 4	0 0 8	0 0 8
Glasgow	Lanerk	132 0 0	3179 16 6	0 11 0	0 1 0
Dumfreise,	Dumfreise	78 0 0	1878 19 0	0 6 6	0 1 6
Wigtown	Wigtown	20 0 0	481 15 10	0 1 8	0 1 0
Kirkcudbright	Kirkcudbright stewartry	16 0 0	385 8 8	0 1 4	0 0 8
Air	Kyle and Craick	260 0 0	6263 5 10	1 1 8	0 2 0
Irvine	Cuninghame bailiary				0 5 0
Dumbartoun	Dumbartoun	54 0 0	1300 0 0	0 4 6	0 3 6
Rothsay	Bute	4 0 0	96 7 6	0 0 4	0 0 4
Rhenfrew	Rhenfrew	240 0 0	5781 10 0	1 0 0	0 2 0
Stirling	Stirling and Clackmannan	132 0 0	3179 16 6	0 11 0	0 1 0
Dornoch	Sutherland	10 0 0	240 0 0	0 0 10	0 0 0
Week	Caithness	36 0 0	867 4 6	0 3 0	0 0 0
Elgin	Elgin or Moray	72 0 0	1734 9 0	0 6 0	0 1 6
Kirkwall	Orkney and Zetland	84 0 0	2023 10 6	0 7 0	0 3 0
Stirling	Clackmannan	84 0 0	2023 10 6	0 7 0	0 0 0
Nairn	Nairn	6 0 0	144 10 9	0 0 6	0 0 2

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REPORT

BY

THOMAS TUCKER

UPON THE SETTLEMENT OF

THE REVENUES OF EXCISE AND CUSTOMS IN SCOTLAND.

A.D. MDCLVI.

TO THE RIGHT HON^BLE THE COMMISSIONERS FOR APPEALES.

RIGHT HON^BLE,

ALTHOUGH in the time of my absence, and dureing my employment in the North, (in which, by your Honours especiall favour and recomendation, I had the honour and happinesse to bee employed,) I did continually, from time to time, give and render the best accompt I was able of the most materiall passages which did occurre and fall out, yett, that affaire now ended, and that accompt soe given, being onely some single and loose remarques which happened, I have esteemed it a duty incumbent on mee to collect and gather together, into one bundle, whatever hath before beene scatteringly presented, and by adding whatever hath hitherto beene omitted, to frame and make one intire peice of the whole, in which your Honours, as in a landschipp, may see, contracted into a narrowe compasse, the transactions, asswell as mayne-land, of a large continent, which hath ever yett, because of its distance and remotenesse, appeared much out of sight and view.

Haveing, therefore, obtained my despatches here, in England, I made all haste possible northward. But what with the badnesse of the way, at that time and season of the yeare, and other intervening impediments, I was soe retarded, that I could not reach my journey's end soe soone but that soe much entrance had beene made upon the worke, by his Highnesse councill in Scotland, as that Comissioners were appointed, and comissioned there, for manageing the Customes and Excise conjunctly ; and those Comissioners (or some of them) had proceeded to the electing of theyr officers, and makeing publication of theyr intendments to farme the Inland Excise of the severall shires and burghs at certaine dayes, then agreed upon. But before they could fall to any matter of action, I had gained the opportunity of addressing myself to his Highnesse councill; had theyr order to be joyned in comission ; and was accordingly received as such, by them, upon the first day of theyr sitting altogether.

The Comissioners had a double worke upon them,—to establish and regulate the Customes, which had some time together beene under the management of some of the present Comissioners, and to erect and sett on foote a new Impost, which had indeed formerly (but in another forme and manner) beene setled in that countrey; but theyr last and most troublesome times haveing discontinued it, rendred the people impatient both of the name and thing. Which of these two the Comissioners were in prudence to beginne withall, was not soe hard or difficult to determine; for althoughe the businesse of Customes, who was the elder brother, might, by order of birthright, challenge some precedency; yett, considering that those receipts had tooke some small roote, but that the other, being a plant removed from a more warme and soft, to a more cold and stony soyle, did therefore require theyr first and most especiall care in the setting thereof; and for that, the time appointed for farmeing the severall shires was then at hand, they resolve to fall upon that worke, and leave the rest untill afterward, to bee taken care of at some more spare and convenient time.

Before any treaty was entertained with any proposer, sundry preliminary resolutions were taken up.

I. Touching the terme or space of time for which the farmes should bee lett, which was agreed on to bee onelye for foure moneths, to commence from the 19th of September, 1655, which was the date of his Highnesse councill theyr comission to the Comissioners. A shorter time possibly could not bee thought upon, in respect one moneth thereof was then elapsed; and to lett for any long time was much against the reason of the thing. For as none of the Comissioners were soe well skilled as to be able to arrive at the true intrinsique value of the Shires and Burghs, or what theyr consumption of beere, ale, and aquavitæ, might amount unto, (although they had the produce it made in the time of the Excise, when it was established by the Parliament of that nation, lyeing before them, which was but a glimering and misty light in respect of the different way which was now to bee taken up from what had beene formerly practised there,) soe they being willing to purchase theyr knowledge at the easiest termes they could, and with the least losse to the State, did therefore pitch upon the shortest space of time possible, that soe, after expiration thereof, they themselves, or any other which should be appointed to succeede them, might then gaine a liberal information of the whole, and soe be enabled to contract *de novo* for the most advantage of the publique.

2. How to proceede in contracting, which was resolved on to bee presently, by treating with the proposers severally; and after draweing them to the highest rate they would offer of themselves, then to fixe and sett a certaine price, beyond which whosoever of the competitors for any county, shire, or burgh, should, by a paper, sealed up and delivered in, bid the most, should have and hold such county, shire, or burgh, in farme, dureing the terme aforesaid, upon good caution given for performance of articles, and due payment of the rent agreed upon.

3. Concerning the forme of the instruments or writeings to bee interchangeably (or rather conjunctly) sealed by the Comissioners and Farmers, which were

ordered to bee drawne up for matter and substance, (except where there was just cause of change,) agreeable with those used and practised in England, but according to the tenour and mode in Scotland for the makeing them registrable in any the courts of Justice, that soe, if occasion required, decreets and executorialls, might passe and be had thereupon, according to the lawes of that Nation.

These particulars once concluded all persons that had anything to offer or propose for any county and burgh were admitted upon the severall and particular dayes upon which such particular county and burgh was appointed to bee lett. The mercate was full of people, but few buyers, by reason of the difference of theyr pretensions and designes.

Some wholly, (and yett speciously,) to disturbe the thing; others either to engrosse or beate downe the price of the comodity.

Amongst the rest, many of the magistrates of sundry the cheife townes and burghs, under pretext of affection to the publique service, the ease and benefitt of theyr poore, presse hard for a severing and letting of the principall and chiefe burghs, severally and apart from the rest of the shires in which they lye, and by such a dismembring to render the worke inconsiderable. And faileing herein, they proceede further to the challenging of a preference before all others, by this way to exclude all competitors, and to deterre any other from bidding, that soe the thing might fall into theyr owne hands, at theyr owne rates, and under theyr owne termes and conditions. For remedy hereof, the Comissioners, (declareing the tender regard they had, and should alwayes beare, to the good and ease of the people, and the singular esteeme they had of the quality and persons of those worthy gentlemen, as they were publique ministers and officers,) did withall signifye theyr intentions to proceede impartially, by makeing knowne theyr resolutions taken up, of letting, without distinction of persons, to those that should bidd most, and bee able to give security, to likeing, for performance of theyr contracts. But a small time taught the Comissioners to sound the bottome fully; for the bayliffes and magistrates, (who doe usually exercise a kinde of soveraignety over the people,) were not to bee overborne soe easily, nor yett removed from theyr stiffenesse, which was the rather confirmed in them from a necessity they conceived to lye upon the Comissioners, from the instructions given them by his Highnesse councill, for farmeing the inland comodityes; for haveing noe latitude left them, and being therefore necessitated to farme, they must, (as they apprehended,) proceede though at any rate whatsoever. This discovery fully shewed the Comissioners that there must recourse bee had to some more powerful meanes; and finding none more effectuall in view, than that of a liberty to bee left them for collecting such commodityes, countyes, and places as they should not bee able to lett to the best advantage of the Comonwealth, they did, upon application made to his Highnesse councill, who had indeed before tyed them up to a positive farmeing of the whole, obtayne theyr desires. By which meanes haveing gained some enlargement, and the magistrates fayleing of theyr ends, when they were refused at such rates as they had before profered, there was not onely roome made for others to come in and bidd more, but such of them as did really intend the farme of theyr particular shires or countyes, were induced to rayse to that price which the Comissioners held them at, rather than suffer strangers to take the thing out of theyr hands, or haveing beene used to lord in cheife, to permitt theyr countreymen to submitt to the rule or domination of any others but themselves. And some of them whose obstinacy would knowe noe comptroll but that of theyr owne will, and could not bee drawne beyond theyr owne stiffe proffers, deserted further prosecution, leaveing this advantage behinde them to the publique, that several persons who before durst not bidd, soe long as theyr superiors were in treaty, apprehended themselves masters of a just freedome to bid, and thereupon to contract for what those others had relinquished.

By this meanes the most eminent difficultyes being mastered, the Comissioners did, after some time, lett the severall shires and burghs for the severall sumes of money mentioned in the accompt hereafter followeing,—which was the whole, except the shires of Argile, Bute, Invernes, Rosse, Sutherland, Cromerty, and Caithnes. The two former of which being wholly Highlands, none would adventure to bidd any thing at all for them, and the rest, lyeing all northerly, and for the most part very little better, there was some offer indeede made for them, but soe inconsiderable, as it was thought fitt rather to putt them under collection, although the Comissioners were, in respect of the distance and quality of the places which never yielded or payd any assesse formerly, because of theyr barrenesse and poverty, inclinable to have beene very reasonable, rather then to have beene putt either on the charge or incertainety of sending persons purposely to collect them. But rather than any place should lye unmanaged, they were resolved to hazard both; and to that end, therefore, did comission two gentlemen of those countryes, the one of which went clad after the mode of his countrye, with belted playde, trowses, and brogues, but returned againe *re infecta*; the other made some progresse in the North, and not only leavyed an indifferent some of money, considering the ports, season of the yeare, and shortnesse of time hee was in doeing thereof, but gave matter of encouragement to some others afterwards to adventure upon the farmeing of the same.

Besides the Beere, Ale, and Strong-waters, lett as aforesaid, there was yett another comodity which the Comissioners would most willingly have farmed, and that was the Salt made in that nation, in severall places on both sides of the Firth, betwixt St Androes and Sterling on the one, and Sterling and Barwick on the other side. The Northerne parts being mostly served with French, and the Westerne parts with English Salt. The businesse was one time under treaty, and the Comissioners for the better obtayneing light in the thing, had privatly dispatched two Envoyes, who, under pretence of buyeing salt to shippe forth, acquainted themselves with, and soe brought in an accompt of the number of pans on both sides the River, with the names of theyr proprietors or present possessors, and the quantity of Salt usually made weekly in every pan, unlesse in case of some accidentall impediment either by failure of coale, or suddaine coming downe of the freshes. This obtayned, a generall farme of the whole, or at least a particular one of each pan, was certainely presumed; but upon debate of the thing, the proprietors who, at first, esteemed themselves solely lyable to the payment of the duty, assoone as the Salt was made, findeing, that all salt goeing for England by water was to pay the duty there by the first buyer after landing, and all Salt shipped out by them for forraigne parts was to pay noe duty; the remaynder which was spent in the countrey, they insisted upon to bee little or nothing, or such for which they profered at first that which was next to nothing, and at last refused to medle at all or deale for it, unlesse they might have it soe as the whole might pay with them, and soe bee freed from payeing afterwards in England; which as it was directly opposite to the lawes of Excise, soe in a very short time they might very much have prejudiced the trade and manufacture of that comodity in this Nation. But yett, that they might see that it was not of soe little repute with the Comissioners as they would needs esteeme, and have them believe it to bee, both the sides of the Firth were sett out and divided into foure offices or districts, and a Collector appointed by way of poundage, to attend in each of them, with full instructions, setting forth theyr whole worke and employment, and the way and manner of doeing thereof, soe as they could not possibly bee ignorant of the duty of theyr trusts, unlesse they would bee willfully negligent or worse: Neither of which yett could bee imputed to them, although the successe did not answer the expectation had of the same, which was not soe much to bee attributed to any default or remissnesse of the officers, as a controversy ariseing from the discongruity of the words of the lawe, from the practice and way of makeing Salt in Scotland different from that used and practised in England.

There the proprietors or possessors of the pans are usually called Masters, and the workmen who actually labour in and about these pans, are termed Makers, who receive noe certaine salary or wages from those masters of theyrs, but doe contract upon receiveing such a quantity of coale, to make and returne the master such a quantity of salt as shalbe agreed upon betwixt them; the overplus (whatever it is) that is made remayneing to themselves for theyr paynes, which they usually sell to cageors and other poor people, who carry the same about in creiles on horseback, or otherwise, up and downe the countrey, for the expence and consumption thereof. The other, which is the masters, is layd up in his garnels or stores, and for the most part sent out afterwards in greate parcells, either for England or some forraigne parts beyond the seas. This being the manner and practice of the salt workes in those parts, and the Collectors for the better keepeing and frameing an accompt, calleing upon those masters to make weekly entry of what salt was made at theyr pans, they refuse the doeing thereof, dispute the letter of the Act, conceding the cheife scruple, and granting that indeed the makers were lyable; but that they being noe such, and theyr workemen being the makers, they, and onely they, were the persons lyable to make entryes, and bee accomptable for what was made; and pray, therefore, that they may bee proceeded against according to the lawe; with this distinction, they challenge a freedome to themselves from being lyable, and that if yett they must remayne responsall, that they ought to be soe for noe more than what came into theyr garnells, as not knoweing what els or more was made at any time at theyr pans. And to require an accompt, or any thing else of the workmen, (who, besides their infinite povertye and miserablenesse, are (were it not a breache of charity) to bee esteemed rather brutes than rationalls,) was a thing altogether impossible, nor ever can bee reputed soe much as probable by any that have ever seene either the persons or places; and as it was not to bee effected any manner of wayes whatsoever, without the appointing of some person, day and night, to attend every particular pan when it was boyleing, by which the charge would certainly have beene greater than the receipt, soe the officers could not otherwize meete with or discover halfe the salt that was sold, in respect the same was sold, delivered, and carryed away alwayes in the night, insoemuch as none, or seldome any notice could at any time bee had or taken of the same; or, if there were, not without the danger or hazard of some mischiefe to ensue thereupon.

These two evills for some time perplexed the officers, the former of which was soone removed by acquainting the masters, that, although they were not called soe in the lawe, they were certainly to bee esteemed the same as are therein mentioned to bee makers, and not theyr workemen, as they pretended; and that, if they should not think themselves concerned or concluded by the generall word Makers, according to the acceptation of the word where and by whome the lawe was made and framed, and would needs bee understood to bee in noe other than in the capacity in which they rendered themselves to bee, the Comissioners would not dispute it further; but lett them knowe, that in that case, the workmen being the makers, and theyr masters receiveing salt from them in lieu of coales and use of theyr pans, (which being a barter or exchange, was therefore to all intents and purposes to bee understood and accounted a sale,) they must then necessarily bee looked upon as first buyers of salt, and accordingly expect to make payment of the duty, as well for what salt they had already, as for what they should hereafter receive from theyr workemen, the makers.

This resolution made them change theyr opinion; soe that, from persons before not at all concerned in the businesse, they now professe and apprehend themselves to be truely the makers mentioned in the lawe, whatever other appellation the manner of speech in theyr countrey did designe them by, desired they might be esteemed such, promised all conformity, and to be responsall and accomptable, soe farre forth as it was possible, for what should be made from time to time at theyr pans. In which, neverthelesse, they failed, as to the salt of theyr workemen, being noe wayes able to arrive (more than by a probable conjecture) at what was truely made, and founde it difficulty enough to keepe theyr owne salt from being embezeled, after they had received it into theyr owne possession, through the vilenesse and unworthinesse of theyr owne workemen. For what salt, therefore, was the masters, and sold at any time, the duty was payd, and due entry still given as it was made or shipped out. But the workemens salt was still vended and disposed of in the night, or otherwise privatly, in small parcells, without entry, or any duty at all payd or satisfyed, soe as a more effectuall expedient was provided, by giveing order for the seizeing of all salt that should bee found any where, to bee brought out of the districts of the officers appointed to attend the salt-pans, to the mercate, or carryeing elsewhere, without a tickett certifyeing the duty payd. This putting some trouble upon the buyers, who found themselves questioned every where, made the cageors and others so cautelous, as to provide still for theyr owne peace and quietnesse, by entring, paying theyr duty, and takeing a tickett for the salt they bought from time to time, although the workemen would have delivered at any time without.

And now by this time the severall farmers had made some entrance upon theyr work, which was entertained every where for some time with very much dislike, partly because of the different mode of proceedings not soe well understood by that Nation, and partly by the secrett contrivance of sundry persons, some for self-interest, and some (disgusted in that they missed such farmes which they had sure thoughts and expectations of), did take all advantages of inciteing the people, not soe much against the thing openly, as the persons, although the impediment given to either was a like obstruction to both (which was partly from the thing, and partly from the people). That hinderance which the farmers found from the manner of proceeding, was in respect of the duty of beere and ale, layd upon the barrell; whereas the Scots use noe certaine vessells, but such as by a generall terme they call Trees, of different contents, some holding more or less gallons the tree. And although his Highnesse councill did somewhat loosen this knott, by declareing that eleaven gallons Scots should bee reputed and pay as one barrell English, and soe after that rate for a greater or lesser quantity, yett the difficulty was not fully removed, inasmuch as it was customary to compute, and soe to brew, not according to the measure of drinke, but quantity of malt, reckoning by the bolle half-bolle, or firlett, according as they had formerly paid excise when the same was imposed by a Parliament of theyr owne; and for them now to reckon or pay otherwise was a matter of time and labour to possesse them with it. And therefore, presently after the Commissioners had farmed the severall countyes, there was some proposall made for changeing the way and manner of collecting by the measure of drinke to that of the Scots practice, by the bolle of malt. And this as well because of its being better knowne to the people of that nation, as for that it was more easye to knowe what malt is ground from time to time, than what or how much beere or ale is brewed, in respect that the people, both landward and in burgh, (for none can grinde any malt privatly,) are bound and obliged to grinde at certaine comon mills adjoyneing to them, from whence a true accompt hath usually and at all times been taken of what malt is still ground from time to time, by and for whome. But, upon full deliberation of the whole by his Highness councill, there being at that time noe particular advantage accrewing to the state in view, nor any absolute necessity of makeing such a change at that time, more than a bare complyeing with the capacity and genius of the people, it was therefore laid aside untill further time or experience of the thing should render it fitt to bee resumed, as happened afterwards.

The rencontres which the farmers mett with from the people, stirred up as aforesaid, were divers and many everywhere; but most of them being the effects rather of a pettish impatience, than a discreete or just resent, and soe not materiall enough or els too numerous to bee recited here, are rather to bee passed over in silence than insisted upon. I shall, therefore, onely hint the cheife and most eminent of all as being matter of remarque, and indeed a very paradoxe, both in naturalls and civills: That lenity and gentlenesse should be corrosives; that what was done out of a care and tendernesse of the welfare and quiet of the people, (and therefore might have stroaked them into a supple complyance,) should rather incite and stirre them up to a refractory disobedience of nonconforming, occasioned by an act of much civility and regard to the populacy, which was answered much more unhandsomely.

For, as the Comissioners, before they beganne to farme, gave publique notice of theyr intentions, and so invitation to all persons to come in and propone, and were afterward for avoydeing the necessity which some indeavoured to have layd upon them, of farmeing at what rates they pleased, onely compelled to declare theyr resolutions of letting without distinction to him or those that should give most for any shire or county; soe after they had contracted, but befor they issued out any comissions, deliberation was had, what power was fitt to bee given to those which had soe contracted. And as the Comissioners could very much have wished, they might have found soe plentiful a choyce of farmers, as that it might have beene within theyr power to have made election of the best qualified, related and substantiallest of them; but an inevitable necessity casting them upon some determinate persons, they had nothing more to doe than to consider of the best way of proceeding, according to the juncture of things; and therefore, duly weighing aswell the quality of the farmers, as haveing regard to the temper and humour of the people, and findeing part of the farmers to bee English, and not acquainted either with the thing, persons, or places, and the rest Scots, and in this respect more qualified and lesse obnoxious, but naturally rigid exactors, apt to avenge private quarrells or discontents, under colour and pretext of publique employment, and most of them generally strangers to the particular worke in which they engaged. And considering, withall, the people on the other side, through poverty, and an innate habit of theyr owne, to bee crosse, obstinate, clamorous, and prone to apprehend every action an oppression or injury, and againe to repell both either with noyse or force. For prevention, therefore, of any provocations that might happen to bee given, either by the indiscretion or violence of the farmers, and to leave the people masters of theyr owne peace and quiett, the Comissioners did resolve to reserve the Judiciall part in themselves, and to give the farmer onely the Collective power, which was done accordingly.

Of this observation was soon made by some of the most intelligent sort of people, and by them infused into the rest, which made a generall deficiencye in every one. Very few, or none, would paye any monyes, suffer any distresse, or obey any sumons; insomuch that the Comissioners were enforced to retract theyr former resolutions, and to lett the farmer loose to the full execution of all the powers and authorities of the severall acts and ordinances, but against and upon such onely as should refuse to give due obedience, that soe they might have a just sense that the Comissioners did still retayne, and should have continued theyr first tenderness towards them, had they not been enforced to depart from it, not out of any levity or inclination in themselves, to vex or disquiet the people, but from the just necessity they had of compelling them to submitt to and comply with the lawes of Excise.

The cause of the people's obstinacy and the Comissioners lenity being at once taken away, every one acted by his feare, and the expectation he had of suffering the penalties of the lawe, began to prouide for his owne peace and security by a timely conformeing, and soe made way for the more easy and vigorous carryeing on of things in the future.

And now, the first farmes beginning to weare out, the Comissioners did not onely cause publication to be made of theyr intentions to farme *de novo*, with intimation of time and place, that all persons desirous to treate with them might have timely notice whether and when to repayre for doeing therof; but alsoe makeing some reflection upon things past, thought fitt to draw up some few yett materiall considerations for the better regulating and carryeing on the businesse both of Customes and Excise, and to offer the same unto his Highnesse councill for theyr allowance thereof. Sundry of the particulars relating to the businesse of farmeing, those onely (as proper for this place, the rest being remitted untill afterward), shalbe now mentioned, which held forth matter of reformation, and encouragement to such as should undertake to farme, which was the worke of that present time.

The first of these was for obtayneing liberty of enlargeing the term of the next farmes to the space of a yeare, or rather till the last of January, 1657, according to the Scotch accompt, and that because,

1. The length of the farme would give encouragement for advanceing the

price, from the hope conceived, that by how much the longer a farme is continued in one and the same person's hands, the businesse would setle and center every day upon more certainety, and soe there would bee a greater probability of profitt to the contractors, if in nothing more yett in this, that by soe much the charge of collecting will, or may, bee still lesse and lesse, by how much the thing becomes more and more setled and established.

2. The seasons of the yeare for brewing and expence of drinke being different, and the best part of the yeare this way being spent in the first foure moneths, farmes what was advanced and given for the most advantageous season, wilbe decryed downe by those who shall take the other season; and who ever contracts for the former, or best of them, will indeavour to beate downe the price alsoe, because of the shortnesse of the time hee is to hold it; but in letting both together, by farmeing the same for a yeare or little more, the inconveniencyes on either hand wilbe easily declined and avoided.

3. Because the diversity, or often changeing of farmers, would probably much distract and disquiett the people, who, because they wilbe obliged to pay this time to one, and that time to another person, will be apt enough to pretend ignorance how, when, or whome to pay unto, and at length bee possibly impatient of paying to any at all.

4. The fixeing the terme unto the last day of January precisely, proceeded from the conveniency of accompting; for his Highnesse councill, by some instructions given to the Comissioners, had appointed them to accompt every foure moneths, to comence from the first of October, 1655. If, then, the ensueing farmes should determine upon the 19th, and not last day of January, the accompt, which should bee given in at the years end, would not bee even and intire; when the farmes being apart, should determine before, and not together, with, and at the same time, and soe accompted for with the rest of the whole receipts.

The second thing offered was, Forasmuch as the farmers generally every where, notwithstand the direction given for uplifteing the duty of beere and ale, by the measure of eleaven gallons to bee accompted for one barrell, did not onely proceede by the bolle of malt, because that way and method suited most with the mode, and came neerest to the understanding of the people of that nation, but did receive at noe constant rate, but some in one place more, and some lesse, upon every bolle, and all beyond what was of right due, to the begetting of many complaints and endlesse disputes of the rates taken, the strength, qualification and goodnesse of the malt, with theyr difference in each shire; and that since theyr Lordships, when the thing was formerly under consideration before them, did not then thinke fitt to make any alteration of the rule established for collecting the excise on beere and ale, they would bee pleased, nevertheless, to leave a latitude to the farmers or sub-comissioners respectively, (which was noe more neither than is practised in most parts of England to compute by the malt,) for leavyeing the same, at least to reckon with the people by way of the bolle; and in case they did soe, to restrayne them from takeing or exacteing more than iij s. iij d. the bolle Lithquo measure, which was very neere, or rather somewhat lesse, than the proportion of eleaven gallons Scotch, to bee computed and reckoned for one barrell English. To which theyr Lordships agreeing, the Comissioners had an opportunity given them of making some advance of the publique revenue, which otherwise had, in all likelyhood, proved a matter of some difficulty. For all the farmers generally complayneing and lamenting theyr hard bargaines the four moneths before, deterred any new adventurers to propose, nor would they themselves bee drawne to continue longer, without some proportionall abatement of the rates at which they formerly contracted. But the hopes given every one, from the difference of the thing now setled and to bee lett for a yeare, from what it was before in its state of unsetledness, and farmed only for a short space, and the strong and fervent desires which partly the violence of some of the farmers, and partly an innate propensity and inclination of being despoticall, had kindled in many to farme theyr owne countreys and burghs, increased the number of the proposers, and put an opportunity into the hands of the Comissioners, not onely to make some improvement, but, after some time spent in treaty, (in which they had much of trouble to wrestle with,) to lett the whole at the rates and rents mentioned in the accompt thereof hereafter following, much to the content and satisfaction of the shires and burghs generally, the shires of Mid-Lothian, Argile, and Bute excepted, which remayne to this day indisposed of as by way of farme; the former because of its vicinity to the towne of Edinburgh and theyr tacke, and the latter in respect of the countrey itself being wholly Highlands, into which the Comissioners, as is before mentioned, did take care to send one of theyr owne countrymen, who returned as he went, without doeing any thing; and, after that, had some intentions of comissioneing some officer of the nighest garrison; but there being some hopes given from the Marquesse, that there should bee somebody sent from the country who should doe the businesse, they tooke hold of the opportunity of one related to the Campbells of that countrey, who at that time offered himself, and was conceived might bee the person hinted, and therefore waved theyr former resolution, and gave him theyr comission; who, with the assistance of his friends, did collect some £30; but was afterward, at his being in Ila, and when he was upon the execution of his trust, stabbed into the shoulder by one of his countreymen, who fled thereupon into Ireland, and hath for some time layn under the cure of chirurgeons, and at my comeing away continued soe, languishing without any hope of recovery.

The Comissioners, after theyr conclusion of the farmes of the countyes and burghs, had some treaty with the salt-masters touching the farme of theyr salt, who keepeing themselves at too greate a distance from closeing or offering any thing which might bee looked upon, it was thought fitt to lett the same by parcells, according to the severall divisions or districts which had beene made thereof before.

Some proposalls, therefore, being made for the thing as it was soe divided, the same were accepted of, and the farmers went on in theyr affayres very cheerfully untill about the beginning of August, when the fishing season approaching, every one (because salt spent for that use was exempted from payment of any duty) beganne, under that pretence, to buy forraigne salt in such quantityes, as that the overplus might be retayned by them for the use and expence of theyr familyes; soe as noe salt found vendt but forraigne salt, and now none buyes almost any white or native salt. Of which abuse complaint being made by the farmers aforesaid to his Highnesse Councill, theyr Lordships referre the consideration of the whole to the Comissioners, who thereupon state matter of fact, and the difference of the trade of fishing in Scotland from that of England in the makeing and cureing of theyr fish, in that the most of the people of that nation do usually buy theyr fish fresh, and salt the same for the provision of theyr owne familyes, which certainely was not intended to bee exempt from payment, in respect the favor extended was for encouragement of trade, not ease of private housekeepers, as was most evident by the words of the lawe when it was first given; and did thereupon certifye what they thought was most fitt and meete to be done for regulation thereof. Upon debate of which, theyr Lordships did declare.

1. That such salt onely as should bee spent for the makeing and cureing at sea of all fish, or at land of all such which shalbe made, cured, and barrelled up for merchandize, shal be exempted from the payment of excise; and that all salt spent upon fish by any person for the particular use of his owne or any other private family, shal be lyable to the payment of excise.

2. That those who buy salt for the end aforesaid onely, either from the maker or merchant importer, doe pay the duty of the same, unlesse hee or they doe first give bond, with sufficient caution, for makeing appeare that the salt then bought should bee spent and consumed upon fish made and cured for the end and purpose aforesaid.

And, lastly, that all shop keepers, and other persons whatsoever, who buy and sell salt againe, doe pay excise for his or theyr salt, before his or theyr receipt of the same; and in case any part or parcell thereof shall happen afterward to bee spent and consumed in the makeing any fish by way of merchandize, as aforesaid, the excise of the same to bee repayd upon due proofe thereof.

These restrictions putt a checque to the groweing evill, but opened the mouthes of some traders in this comodity, who could not beare the equity and justice of the thing, but findeing themselves reduced to a narrower compasse, in that forraigne salt beganne to bee not soe staple a comodity, nor likely (as some time before) to be delivered soe frequently as it was to the buyer, upon bond, onely given for makeing the expence thereof upon fishing appeare, the most buyers, (except some few gentlemen and fishermen in the Isles, and elsewhere, who have fishings of theyr owne, and some fishermen,) being sellers and retaylers of salt, did much repine and petition against the same; when one among the rest makeing proposall to his Highnesse Councill for farmeing thereof, obtayned liberty to treate; but some difference happening touching the terme of the farme, in respect it was then a time of vending most of all for fishing, which payd noe duty, and for that the winter then approaching, little of this comodity would come in untill the next yeare, it was at length, with the consent and approbation of theyr Lordships, concluded and agreed upon as is expressed in the accompt hereafter followeing.

Thus farre the Comissioners have proceeded as to farmeing; and although, for conveniency of narration, what ever hath concerned that affaire hath beene intirely wrapped and summed up together, yett theyr time was not spent wholly upon this matter onely. For, from the commencement of theyr Comission, they did still, as opportunity was offered, make some excursions for setling the businesse of excise of forraigne goods, and the regulateing and well ordering the customes, the latter of which had some yeares before beene on foote there. New Comissions therefore were dispatched unto the severall Collectors of the Ports, authorising them to bee Collectors for both jointly, and instructions *pro re nata* were framed and given both them and all other officers employed, for theyr better carryeing on of the worke. Amongst the rest, (in order to the better keeping and frameing an account with the merchant, and recovering the excise of what imported goods the shop keepers should have remayneing on his hands, bought from the importer, or els imported by himself since the 24th of June, 1655, to which time the Ordinance of his Highnesse and Councill for setling the excise in Scotland did looke backe, but not thought fitt (nor indeed possible) further to be putt in execution against the shopkeeper, as aforesaid,) there was especiall direction given for causeing the warehouses and cellars of the merchants and shop keepers all over Scotland to bee searched, viewed, and the imported wares and comodityes therein found to bee inventoried and entred in the respective offices, makeing the respective merchants debtors upon accompt from the return made of the goods found upon the hands of the respective merchants, and for what should be resting upon the hands of the shopkeepers to call presently for the duty therof, unlesse they should shew good cause to the contrary. Against this sundry shopkeepers of Edinburgh and Leith petition his Highnesse Councill, who, upon debate of the thing, judge it to bee no more than what was reasonable, dismissed the petitioners, leaveing them to bee proceeded against by the Comissioners, who, findeing a greate part of the goods to bee in the possession of second or third buyers, and some part bought or imported by the shopkeeper before the Ordinance for Excise took place in Scotland, had noe small difficulty to distinguish the several cases of a people that was hard to bee brought to the discovery of the truth, and where especially no probation could at all bee had on the Commonwealth's part. But yett some care and pains mastered this affair, and the ice once broken, the rest of theyr way was smooth and open. This evill spread noe further than the place it grew in; for the Collectors abroad found noe such obstruction or trouble with them; the shopkeepers there, nor theyr trade, being such as might generally give them the ability either to purchase or keep theyr comodityes on theyr hands, at soe greate a length or distance of time as was elapsed betweene the comencement of the Ordinance and time of search.

Although every day brought its own businesse with it, yett care was had for takeing inspection of the port of Leith, by which some judgment might bee easily made of the rest; for the reformeing abuses as to the Customs, infuseing some method and order into it, frameing the manner of accompts to bee kept and given by the Collectors, in relation to both dutyes; of shapeing a forme or method to bee observed by the accomptant and threasurer in keepeing, and after rendring to the auditors an accompt of the receipts of the severall ports and the cash received into and paid out of the Threasury againe. Of all which the severall persons concerned had distinct methodicall formes given unto them for theyr better guidance therein. There was noe dilligence wanting for improveing all ways possible the interest of the publique, and at the least charge possible. And because the rawnesse and unskilfulnesse of the Collectors, but wayters especially, every where would leave to great an advantage of defraudeing the state, if they should not be strictly kept up by some that should continually, and daily almost, supervise theyr actions, informe, direct, and regulate them, in the port of Leith especially, where the Collectors had neither leasure nor opportunity to doe the same; it was thought fitt, for the causes aforesaid, and for the better regulateing of things, humbly to offer unto his Highnesse Councill,—

1. Because the trade of that nation sometimes rose and sometimes fell, and soe there would be a necessity of employeing now more and now less wayters in this or that port, that therefore the wayters might not any longer remayne fixt to any particular port, as they alwayes did before, but that they might bee transient, to bee employed, and removed to this or that place as occasion should require.

2. That the salary of the wayters might bee noe further certaine, than that they should not exceed such a rate, and the Comissioners to be left at theyr liberty quarterly (with the allowance and approbation of theyr Lordships) to give every Officer according to or under that rate, as every one of them should be esteemed to have merited more or less every quarter, which would probably make them watchfull and diligent, from the hope and fear they should take up of haveing theyr salaryes increased or diminished, and theyr diligence produceing seizures, and those profitt; as theyr encouragement, soe theyr activenesse would bee enlarged.

3. That for the informeing, directeing, and lookeing after the port of Leith,

there might bee an head searcher, for takeing care of the entring, and jerking alsoe, of all shipps, the putting wayters on board, and seeing them constantly attend those shipps to the ladeing or unladeing, wherof they may happen to be appointed.

4. That for the surveighing or lookeing after the other ports of that nation, and the severall collectors and waiters under them, and seeing and takeing care that such instructions, as had already, or should hereafter bee given them, be duely putt in execution, a surveigher itinerant might be appointed for visiteing the ports, takeing accompt of the actions and receipts of the collectors, from time to time, to examine and trye whether all monyes received bee brought duely to accompt, and to doe all other thinges by the direction of the Comissioners, as may bee most for the service and benefitt of the publique.

5. Because many shipps from Holland, and other ports, come into the Firth, and passe up along the river, without any place to comand or give checque to theyr delivering and landing goods on shoare : That therefore Inchgarvy, (which is a little island lyeing in the midst of the river, as they pass up beyond the port of Leith,) may be re-garrisoned, where all shipps passing may be stayed and searched ; and in case they prove laden, have wayters (who may purposely bee appointed to attend there,) putt on board, and soe remayneing. pass together with them up the river, untill they arrive at some other port or place, where some other wayter may take charge, and see to theyr unladeing.

All which were presently granted by theyr Lordships, except the last, which could not for some time bee obtayned, in respect it having beene formerly a garrison of the enemyes, and for that cause afterwards demolished ; it was too hard a taske to give any reason greate enough to perswade the restoreing of it, upon an apprehension conceived, that it was desired to bee made a formall garrison, and soe prove a charge to the state. But the addition afterward of a worthy person, (in roome of one of the Comissioners who was transplanted,) who had a military comand at Lynlithquo, (but a few miles distant,) and the satisfaction given, that the Comissioners desires reached no further than the makeing it serviceable as to the businesse of the Customes and Excise, and for protection of the officers that should bee sent thither for prevention of the many frauds and indirect practises of the Dutch, and others ; there was both freedome and opportunity offered of putting five or sixe of his soldiers, with an officer to oversee them, to stoppe and board all shipps goeing by, which hath very much awed the merchants and seamen, prevented much deceipt, and will, in a greate measure, restore the trade of Leith, which hath been but too much impayred by the shipps running up the river, and landing goods along the coast, not to be impeded but in manner aforesaid, by reason of the violence and tempestuousnesse of the course and water of the Firth, which seldom admitts pursuite, or boarding with boates, more than what themselves shall please.

And now some experience, (soe farre forth as the daily sight of the port of

Leith, and the accompts of that all other ports for the first four monthes could give,) had beene had of things, which beganne justly to challenge some fixed permanent instructions, to remayne by the officers for a certayne standing rule to walke by, in respect those formerly given were drawne up in haste, and in the infancy of affayres, (for the business eof the Customes, though some yeares old, was still lyeing in the cradle,) and intended and calculated onely for the present time in which they were made and framed.

Some provision, therefore, was begunne to bee made this way, and ready to bee emitted, when, upon some second thoughts, and the consideration had how much an act of inadvisednesse it must needs be esteemed in any that should adventure to frame a vest or garment for a body, (whose measure had never yett beene taken,) without viewing it in its parts and dimensions, the same was foreborne untill some more fitt and convenient time, which ensued not long after; for the season of the yeare haveing made a free passage for travayleing, I did, (as well for examineing the accompts of the severall collectors abroad, as for giveing the Surveighor itinerant both an induction and sight into the businesse of his employment,) accompany (and goe with) him, into the severall ports, that soe by an ocular inspection of things and places, whatever should bee found amisse might bee reformed, and such fitting and apposite instructions and rules might bee drawne up as might establish the businesse, confirme and strengthen the officers in the knowledge and execution of theyr trusts, and prevent as much as possibly might bee, all fraude and evill practised in prejudice of the comonwealth.

Although Scotland is almost encompassed with the sea, (which hath very many inletts into the mayneland,) and hath a very greate number of islands adjoyneing therunto, both on the easterne and westerne parts therof, and soe naturally comodious for commerce and traffique, yett the barrenesse of the countrey, poverty of the people, generally affected with slothe, and a lazy vagrancy of attending and followeing theyr heards up and downe in theyr pastorage, rather than any dextrous improvement of theyr time, hath quite banished all trade from the inland parts, and drove her downe to the very sea-side, where that little which is still remayneing, and was never greate in the most proude and flourishing times,) lives pent and shutt up in a very small compasse, even of those parts where there is any exercised, which is mostly and chiefly on the East part, and soe northerly along the side of the German ocean; or else on the Westerne part, along Dunbryton Fyrth into the Irish or English seas, the rest of the country from that Fyrth on the west side, with all the islands up towards the most northerne headland, being inhabited by the old Scotts or wilde Irish, and speakeing theyr language, which live by feeding cattle up and downe the hills, or else fishing and fowleing, and formerly, (till that they have of late been restrayned,) by plaine downeright robbing and stealeing.

According to the most eminent places of Trade, the Comissioners have erected or established eight severall head ports or offices for Customes and Excise. Those lyeing on the East sea are Leith, Burrostones, Brunt Island, Dundee, Aberdeene and Invernesse; those on the west are only two, Glasgoe, and Ayre.

The port of Leith did formerly extend itselfe, and had for its districts and members thereof, all the places and creekes from South Barwicke along the coast, up as farre as Sterling inclusive; but since, upon consideration of the length of the ground and the trade of Burrostoness, it hath beene cutt shorter, and goes noe further up the Firth now than to a little place called Cramond, where this and the next office is divided by a little river that, comeing from the landward, empties it selfe into the Firth.

The towne of Leith is of it selfe a pretty small towne, and fortifyed about, haveing a convenient drye harbour into which the Firth ebbs and flowes every tyde; and a convenient key on the one side thereof, of a good length, for landing of goods. This place formerly, and soe at this time, is indeed a storehouse not onely for her owne traders, but alsoe for the merchants of the citty of Edinburgh, this being the port thereof; and did not that citty, (jealous of her owne safety,) obstruct and impede the groweing of this place, it would, from her slave, in a few yeares become her rivall. For as certainely the castle of Edinburgh did first give both the rise and growth to that citty, by inviteing people in the time of theyr intestine troubles to plant and setle there, for sheltring themselves under the strength and security thereof; soe now, in times of peace, the scituation of this towne, and all other circumstances concurreing to the rendring it fitt to prove the most eminently mercantile and tradeing place of the whole nation, would soone invite the inhabitants of that citty to discend from theyr proude hill into the more fruitfull plaine, to be filled with the fulnesse and fattnesse thereof.

This Port being the cheife port of all Scotland, the Comissioners, out of a willingnesse to have a particular eye upon the transacting of things, have therefore made election of it for theyr particular residence. And because, besides a Collector, with his Assistant and a Checque, (who is present at all receipts,) there is both the Surveighor itinerant, when his other occasions drawe him not abroad, and an Head Searcher constantly to attend, looke after and instruct the inferiour officers and wayters in the respective dutyes of theyr trusts, have designed it for theyr gymnasium or nursery of such as shalbe employed under them; and for this cause, when any vacancy happens in any other place, resolve to supply that with some officer from this, and to take in such fresh officers which may happen at any time to bee entertained into this place, here to be trayned up, and fitted by the instruction of theyr superior, and the experience and example of theyr fellowe-officers, the sooner to become masters of theyr businesse, and capable to bee sent forth to this or that port, as occasion shalbe offered. The number of wayters in this port are not certaine; for although there is a certaine number of wayters established for the whole, whatever of them at any time are not employed in the out-ports remayne constantly here for the lookeing after this port, and the districts thereof, with the citty of Edinburgh.

The members, or creekes rather, of this Port, though lyeing all along, the coast, are not many in respect the height and rockinesse thereof, in many places, will not give way for landing goods in every place. The most materiall ones are

Eyemouth, not farre from South Barwick, where the Scots and English both did usually shippe out Skyns, Hides, Wooll, and other prohibited comodityes, and againe bring in such, which were there landed, and afterward carryed away for the consumption and expence of the northerne parts of England. The distance of it from the first head-port of Scotland, and the vicinity of it to the last of England, whose officers had noe power there, gave occasion of much deceipt, which hath beene remedyed of late by placeing an officer there constantly to attend at that place, but to have an eye to all the creeks between that and Dunbarre, when any goods passe up by him into the Firth.

The towne of Dunbarre, or village rather, (for all the townes of Scotland unless the burgh townes deserve noe other appellation, did not use and custome of speech give them a bigger title,) is a fisher towne, famous for the Herring fishing, who are caught thereabout, and brought thither and afterward made, cured, and barrelled up either for merchandize, or sold and vended to the countrey people, who come thither farre and neere at that season, which is from about the middle of August to the latter end of September, and buy greate quantityes of fish, which they carry away, and either spend them presently or els salt and lay up for the winter provision of theyr familyes. The trade here is little els except salt, which is brought hither and layd up, and after sold for the fishing; the people of these parts which are not fishermen, employing themselves in tillage and in affaires of husbandry. But yett the conveniency of an indifferent good harbour and landing-place hath occasioned the placeing of a wayter here, not onely for preventing any goods from being brought privatly on shoare, but alsoe to looke backward as farre as Eymouth, and forward as Preston pans and Newhaven, two small places adjoyneing one to another, and both lyeing on a flatt shoare where there are many salt-pans, which is the trade of the place and employment of the people. Hither many small vessells come to fetch salt, and oftentimes bringe goods with them, which would bee stolne ashoare were there not a wayter at these places who takes care of them, and upon all occasions looks backe as farre as Dunbarre and forward to Musselburgh; a small, or rather three or foure small townes joyneing together, the inhabitants fishermen and husbandmen, haveing an open harbor on the outside of theyr towne for small boates or vessells, and a very opportune place for carryeing out and bringing in of goods unto or from any shippe that shal be lyeing in the roade if not looked after. From this to Leith the shoare being open upon a flatt sand with some rockes before it, nothing can either safely or comodiously be landed; besides that it lyes all in sight. As for the tract of ground beyond Leith, and yett in the district thereof, there are onely a few fishermen with some two or three empty houses, the ruins of some salt-workes, and the little country village of Cramond, not worth the placeing any officer there, and for that cause left to the care of all the officers in generall, who may easily in the day-time from the towne of Leith discover any vessells (or boates from them) goeing to the shoare, and bee as soone as themselves at theyr place of landing. And yett, if any thing doe, or should happen to slippe in at night, the same being for account of the Leith or Edinburgh merchants, must afterwards bee brought to some of those two places, and if soe, or to any other burgh towne where there are officers attending, they can hardly escape the being seized upon. There are belonging to the port of Leith and members, some twelve or fourteene vessells, two or three wherof are of some two or three hundred tons apiece, the rest small vessells for lade-ing and carryeing out salt, and to and from the coast of England, the cheife part of the trade of these parts being driven thence, the rest being from Norway, the East-land, Low countryes, or France, immediately from the places themselves.

The next port is Burrostonesse, lyeing on an even lowe shoare on the south side of the Firth, about the mid way betwixt Leith and Sterling. The towne is a mercat towne, but subservient and belonging (as the port) to the towne of Lynlithquo, two miles distant thence. The district of this port reacheth from Cramond exclusive, on the south side of the Firth to Sterling inclusive, and thence all along the north side of the same Firth as farre as a little towne called Lyme-kills. This port, next to Leith, hath of late beene the cheife port one of them in Scotland, as well because it is not farre from Edinburgh, as because of the greatt quantity of coale and salt that is made and digged here, and after-ward carryed hence by the Dutch and others, and the comodityes some time brought in by those Dutch who, avoyding and passeing by Leith, doe runne up the Firth, and did usually obtayne opportunity of landing theyr goods on either side in theyr passage, the Firth a little above Brunt-Island contracting and running along in a more narrowe channell. There are constantly resident at this port a collector, a checque, and some foure wayters to attend to the coast and Inchgarvy.

The member ports on this side of the head port, and on the south side, are

Queenesferrye, a small towne, where formerly goods have beene landed, but not of late, because of Inchgarvy lyeing over against it in the midle of the river, and that being furnished with soldiers and an officer or two, to examine and search all shipps in theyr passage, have kept them from that practice thereabout.

Blacknesse, Cuffe-abowt, and Grange, the former of them sometimes reported to have beene a towne, and at that time the port of Lythquo, but now nothing more than three or foure pittifull houses, and a peice of an old castle. The other two are likewise some few houses standing on two places of the shoare nigh some salt-pans and coale-hughs.

On the other side of the port (but of the same side of the Firth) is Elphiston, a small towne, where there is pretty store of greate coale shipped for beyond the seas. And although there bee never a vessell belong to this place, yett the Dutch mostly, and some others, choose to lade there because of the goodnesse of the coale and its measure. The River here being narrowe, the waiter on the opposite side takes care aswell as accompt of what is shipped here.

The next place beyond and furthest of the district this way, is Sterling, a pretty burgh, famous for the strength of the castle and bridge, which is layd over the Firth at that place, this being the head of it, and the tyde floweing not a mile above it. Here live some merchants, but the shallownesse of the river, with the windeings thereof, makeing the way long, and not permitting a boat of burthen to passe up soe high, all goods are entred first and cleered belowe at Burrostonesse, and thence afterward carryed up in small boates as the merchant hath occasion for them.

On the north side of the Firth, there is a pretty fine burgh called Alloway, haveing a fine harbour, and an excellent coale, which is for the most part shipped out and carryed away by the Dutch, there being noe vessell belonging to the place. Nevertheless, there hath usually beene a pretty trade for that comodity, but interrupted of lat eby some difference happened amongst some of the proprietors of the coalehughes. Here is a wayter constantly resident, to take care of this and the towne of Kennett, where likewise is a very good greate coale, but cheifly sent from port to port, and never or seldome outwards.

The next are Kincarne and Culrosse, the first a small, and the other a burgh towne. From these two places salt onely goes out. There is indeede a coale at Vallefeild adjoyneing to Culrosse, and at Kincarne alsoe, but bought up and spent by the countrey, and not sent out. There were lately some five vessells belonging to Culrosse, but lost and taken all except two of the best, which still remayne. These two places have a wayter constantly to attend them, with the adjoyneing towne of Torriburne, the cheife place for shipping out small coales, where hee is mostly resident. There are three vessells belonging to this towne, one of some an hundred and twenty, another of an hundred, and the third of sixty tons.

The last place of this district is Lyme-kills, a towne whence some small coale hath some time beene sent out, but very little of late; and, for this reason, it hath beene comended to the wayter of the next place, to have an eye and take accompt when any coale shalbe shipped out, but not esteemed worth the placeing of an officer purposely.

The next head port is Brunt Island, lyeing opposite to Leith, on the north side of the Firth, whose districts reach from Innerkeithen all along the shoare of the county of Fife, unto the bankes of the river Tay. The trade of these parts inwards, is from Norway, the East countrey, and sometimes from France with wines, and outwards with coale and salt, at all times very small, and worth little. For, although this bee the bounds of one of the best and richest countyes of Scotland, yett the goodnesse and riches of the countrey, ariseing more from the goodnesse and fertility of the soyle and lands than any trafficque, hath made it the residence and seate of many of the gentry of that nation, who have wholly driven out all but theyr tenants and peasants even to the shoare side. There is one collector and five officers constantly attending in this port, and members thereof, which are on the west of Brunt Island, Innerkeithen; on the east Abirdore, Kinghorne, Kircaldy, Disert, Wems, Leven, Ely, St Minas, Petten-Weym, Ainster, Craill, St Androes, and South-ferry; all pittifull small townes on the coast, inhabited by seamen, colliers, salt makers, and such like people, except St Androes, which (if I mistake not) is a burgh towne, but if not a pretty neate thing;—which hath formerly beene bigger, and although sufficiently humbled in the time of intestine troubles, continues still proud in the ruines of her former magnificence, and in being yett a seate for the Muses.

To this port and members therof, there are very many vessells belonging, which are imployed for the carryeing coale and salt outwards and to the coast, and generally every where in Scotland rather than the ports to which they doe belong, but have received theyr names and denominations from the places of abode and habitation of theyr respective masters, owners, or marriners, who live plentifully hereabouts, because of the roade lyeing before them, and are in number, and of the tunnage each, as followeth: viz.—

To	Brunt Isle, seaven, whereof	1	40 Tonnes.
		2	30.
		1	24.
		3	20.
	Kinghorne, one of		50.
	Kircaldy, twelve,	2	100.
		1	70.
		3	40.
		3	36.
		1	24.
		2	30.
	Disert, foure,	1	50.
		2	20.
		1	14.
	Wems, sixe, viz.	3	20.
		1	18.
		1	14.
		1	12.
	Leven, two, viz.	1	20.
		1	18.

To	Ely, two, viz.	1	50 Tonnes
		1	40.
	St Minas, one,		36.
	Petten Wems, two,	1	100.
		1	80.
	Ainster, ten, viz.	1	50.
		1	40.
		1	30.
		1	25.
		1	20.
		2	15.
		1	14.
		2	13.
	Craill, one of		90.
	St Androes, one of		20.
	Southferry, one of		18.

The port of Dundee comes next in view, which is a pretty considerable place, lyeing by the mouth of the river Tay, which, springing out of the mountaynes of Albany, and running through the feilds, at length spreads its selfe into a lough full of islands, and afterward contracting itself, taketh in Amund, (a river of Athol,) passeth on to Dunkell, and thence by Scoone maketh its way into the German ocean. The towne of Dundee was sometime a towne of riches and trade, but the many rencontres it hath mett with all in the time of domestick comotions, and her obstinacy and pride of late yeares rendring her a prey to the soldier, have much shaken and abated her former grandeur; and notwithstanding all, shee remaynes still, though not glorious, yett not contemptible. The trade of this place inwards is, from Norway, the East countrey, Holland, and France; and outwards, with salmon and pladding. Here is a collector, a checque, and five wayters established, three of which wayters constantly reside here, and the rest are bestowed in the member ports, which are,

1. St Johnstons, an handsome walled towne, with a cittadell added thereunto of late yeares, lyeing a good way up the river Tay, where there is a wayter alwayes attending, not soe much because of any greate tradeing there, as to prevent the carryeing out woolls, skyns, and hide, of which comodityes greate plenty is brought thither out of the Highlands, and there bought up and engrossed by the Lowlandmen.

2. Arbroth, a small towne without any trade, but for theyr owne expence, which is but little.

3. Montrosse, seated betwixt the North and South Eskes. A pretty towne, with a safe harbour, risen by the fall and ruine of another towne of the same name, not farre offe. Here, likewise, is a wayter, because there hath usually

beene salt brought in ; and salmon, pladding, and corne, usually sent forth. The vessells belonging to this port and members are—

To	Dundee, ten, viz.	2	120 Tons.
		1	90.
		1	60.
		1	55.
		1	50.
		1	40.
		1	30.
		2	25.
	Montrosse, tuelve, viz.	1	26 Lasts.
		2	18.
		2	16.
		2	12.
		1	7.
		3	6.
		1	5.

The port of Aberdeene lyes next northward, being a very handsome burgh, seated at the mouth of the river Donne, and is commonly called the New towne, for distinguishing it from another towne hard by, of the same name, but more antiquity, lyeing at the mouth of the river Dee, some a mile distant from the New towne, and is the cheife Academie of Scotland. This being now a place more for study then trade, hath willingly resigned her interest that way, unto the New towne, which is noe despicable burgh, either for building or largenesse, haveing a very stately mercat place, sundry houses well built, with a safe harbour before it for vessells to ride in. But the widenesse of the place, from the inlett of the sea comeing in with a narrowe winding gut, and beateing in store of sand with its waves, hath rendred it somewhat shallowe in a greate part of it, and soe lesse usefull of late than formerly. But the inhabitants are remedyeing this inconveniencye, by lengthning theyr key, and bringing it up close to a necke of land, which, jetting out eastward, towards an headland lyeing before it, makes the comeing in soe streight. At the end of which formost neck of land there is a little village called Footie, and on the other headland, another called Tocye, and both nigh the harbour's mouth, and lyeing very neere unto the place where the ships usually ride, (being forced to keep some distance from the key, because of the shallownesse of the water,) have given opportunity of much fraude, in landing goods privatly, but prevented of late, by appointeing the wayters, by turnes, to watch those two places narrowly, when there are any shipping in harbour. The trade of this place, (as generally all over Scotland,) is, inwards, from Norway, Eastland, Holland, and France ; and outwards, with salmon and pladding, comodityes caught and made hereabout in a greater plenty then any other place of the nation whatsoever.

In this port there is a collector, a checque, and three wayters, some of which are still sent into the member ports as often (which is but seldome) as any opportunity is offered, or occasion requires. Those are in number five: Stonehive, a little fisher towne, where formerly goods have beene brought in, but not of late, because hindred from doeing soe by the neighbourhood, and priviledges of the burgh of Montrosse: Newburgh, where sometimes a few deales and timber are brought: Peterhead, a small towne, with a convenient harbour, but spoyled of late by stresse of weather: Friselburgh and Bamffe, where, in like manner, something now and then is brought in from Norway, but theyr onely trade is coasting, except that from the latter of them some salmon may happen to be shipped out. The vessells to this district belonging are, viz.

To	Aberdeene, nine, viz.	1	80 Tons.
		1	70.
		1	60.
		3	50.
		2	30.
		1	20.
	Frazerburgh, four		20.
	Peterhead, one of		20.

The last port, northerly, is Invernesse, lyeing at the head of the Firth of Murray, not farre from Loquh Nesse, where the towne is a small one, though the cheife of the whole North, and would bee yett worse, were it not for the large cittadell built there of late yeares. This port hath for its district all the harbours and creekes of the shires of Murray, Rosse, Southerland, and Caithnes, with the Isles of Orkney; in which, although there bee many large rivers which, riseing in the hills, runne downe into the sea, and the oceane hath indented many more creeks and inletts, with its stormy waves still beateing on the shoare, yett few of them are serviceable, and those few much too bigge for any trade that is or may be expected in these parts. For as the roughnesse of the sea and weather lye constantly on the east of them, soe on the west they have the hills for theyr portion. The inhabitants beyond Murray land (except in the Orkneys) speake generally Ober garlickh, or Highlands, and the mixture of both in the towne of Invernesse is such that one halfe of the people understand not one another. The trade of this port is onely a coast trade, there being noe more than one single merchant in all the towne, who brings home sometimes a little timber, salt, or wine. Here is a collector, a checque, and one wayter, who attends here, and lookes (as occasion serves) to Garmouth and Findorne in Murray-land, two small places, from whence some 60 lasts of salmon in a yeare are sent out, for which salt is brought in from France, and sometimes a small vessell comes in from Holland or Norway.

In the shire of Rosse there are onely two Ports, the one called Cromarty, a little towne in a bottome, with one of the delicatest harbours reputed in all Europe, the tide comeing in a greate depth betwixt two stately rockes, (called the Sooters,) through which the water passes into a large bay, where the greatest shipps of burden may ride in safety; and the other Tayne, a small towne lyeing neere the mouth of a river of that name. To the former of these nothing comes more than a little salt to serve the countrey, and to the other it may bee a small barke once in a yeare from Leith, to fetch deales, which are brought downe thither from the hills.

In Southerland there is onely Dun Robin, and some two small creekes more, where some barkes use to come for carryeing the Earle of Southerland's corne for some other parts of Scotland, according as hee findes his best markett. In these two shires it was never thought worth the charge of appointing an officer; but the collector keeps a correspondence with some on the place for giveing him intelligence when any barkes come in or goe out.

In Caithness there is a wayter constantly resident for lookeing after Thursoe and Weeke, two small ports, from whence good store of beefe, hides, and tallowe, are usually sent to the coast; his worke is rather preventive, for hindering those comodities from being sent into forraigne parts, than profitable by any thing hee is likely to receive there. The like also is practised at Kirkewaile, in the Isles of Orkney, where there is another officer for lookeing after those Isles, whence they send corne, fish, butter, tallowe, hides, and sometimes some timber is brought in from Norway, or els a Dutch vessell may happen to touch there in her passing about.

As for Shetland, (thought to bee the Ultima Thule, soe much spoken of and reputed by the ancients to bee the furthest part of the world,) it lyes over against Bergen in Norway, and very difficult to gett thither but in some certaine moneths of the summer. There was never yett officer either sent or that would adventure thither till of late, when the farmer of the inland comodityes of those parts haveing prevailed with one to undertake his affaires there, the Comissioners did comission the same party likewise as to Custome and foraigne Excise alsoe; but what successe this enterprise may have, must bee left to the discovery of some further time. Report speakes the place to bee frequented about May with some Dutch, who come to fish there, bringing beere, strong waters, and tobaccoes with them. The vessells or barkes of this district belonging, are: viz.

To	Invernesse, one of		10 Tonnes.
	Garmouth, one of		12.
	Cromarty, one of		16.
	Thirsoe, two of		30.
	Orkney, three, viz.	1	15 Chaldrons.
		1	13.
		1	12.

There were lately some nine barkes more belonging to those isles, which have beene taken or lost by storme, this and the last yeare.

Being advanced as farre as the furthest coast of all Brittaine, I shall passe over Stranaverne, Assinshire, and the Western Isles, (places mangled with many arms of the Westerne Sea, imbosomeing it selfe within many parts thereof, and destitute of all trade, being a countrey stored with cattell, craggie hills, and rockes, and planted with the ancient Scotts or wilde Irish, whose garbe and language they doe still retayne amongst them,) and returne southerly as farre as Glasgowe, a very neate Burgh towne lyeing upon the Bankes of the river Cluyde, which, riseing in Anandale, runnes by Glasgowe and Kirkpatrick, disburthening it selfe into the Firth of Dunbarton. This towne, seated in a pleasant and fruitfull soyle, and consisting of foure streets, handsomely built in forme of a crosse, is one of the most considerablest burghs of Scotland, as well for the structure as trade of it. The inhabitants (all but the students of the Colledge which is here) are traders and dealers: Some for Ireland with small smiddy coales, in open boates, from foure to ten tonnes, from whence they bring hoopes, ronges, barrell staves, meale, oates, and butter; some from France with pladding, coales, and herring, (of which there is a greate fishing yearly in the Westerne Sea,) for which they returne salt, paper, rosin, and prunes; some to Norway for timber; and every one with theyr neighbours the Highlanders, who come hither from the Isles and Westerne parts; in summer by the Mul of Cantyre, and in winter by the Torban to the head of the Loquh Fyn, (which is a small neck of sandy land, over which they usually drawe theyr small boates into the Firth of Dunbarton,) and soe passe up in the Cluyde with pladding, dry hides, goate, kid, and deere skyns, which they sell, and purchase with theyr price such comodityes and provisions as they stand in neede of, from time to time. Here hath likewise beene some who have adventured as farre as the Barbadoes; but the losse they have sustayned by reason of theyr goeing out and comeing home late every yeare, have made them discontinue goeing thither any more. The scituation of this towne in a plentifull land, and the mercantile genius of the people, are strong signes of her increase and groweth, were she not checqued and kept under by the shallownesse of her River, every day more and more increaseing and filling up, soe that noe vessells of any burden can come neerer up then within fourteene miles, where they must unlade, and send up theyr timber and Norway trade in rafts on floates, and all other comodityes by three or foure tonnes of goods at a time, in small cobbles or boates of three, foure, five, and none of above 6 tons, a boate. There is in this port a collector, a checque, and four wayters, who looke to this place, Renfrew, Arskin on the south, and Kirkepatrick on the north side of Cluyde, with Dunbarton, a small and very poore burgh at the head of the Firth. The former of these are inhabited with fishermen, that make herring and trade for Ireland with open boates, and the latter gives shelter sometime to a vessell of 16 tons or thereabouts, comeing from England or Ireland with corne.

The member ports of this district are,

1. Newarke, a small place where there are (besides the lairds house of the place) some foure or five houses, but before them a pretty good roade, where all vessells doe ride, unlade, and send theyr goods up the river to Glasgowe in small boates; and at this place there is a wayter constantly attending.

2. Greenocke, such another, onely the inhabitants are more; but all seamen or fishermen tradeing for Ireland or the Isles in open boates; at which place there is a mole or peere, where vessells in stresse of weather may ride, and shelter themselves before they passe up to Newarke, and here likewise is another wayter.

3. Fairly, Culburgh, Salcoates, shoares onely of the roade with a few houses, the inhabitants fishermen, who carry fish and cattell for Ireland; bringing home corne and butter for theyr owne use and expense. A wayter in extraordinary here takes care of these places, and advertises the head port when any thing comes in thither.

4. Bute, a small island lyeing in the mouth of the Firth, under which some vessells in stormy weather shelter themselves, but passe afterward up the river. The inhabitants are all countreymen and cowheards, who feede cattell, and spinne, and make some woollen clothe, which carryed to bee dyed and dressed at Glasgowe, where they buy still whatever they have occasion of for theyr expence and provision.

And lastly, Irwyn, a small burgh towne lyeing at the mouth of a river of the same name, which hath some time beene a pretty small port, but at present clogged and almost choaked up with sand, which the Westerne Sea beats into it, soe as it wrestles for life to maintaine a small trade to France, Norway, and Ireland, with herring and other goods, brought on horsebacke from Glasgowe, for the purchasing timber, wine, and other comodityes, to supply theyr occasions with. Here alsoe is another wayter in extraordinary. The vessells belonging to this district are, viz.

To	Glasgowe, 12, viz.	3	150 Tonnes.
		1	140.
		2	100.
		1	50.
		3	30.
		1	15.
		1	12.
	Renfrew, 3 or 4 boates of 5 or 6 tonnes a-piece.		
	Irwin, 3 or 4, the biggest not exceeding 16 tonnes.		

The next and last head port of Scotland is Ayre, a small towne in Kyle, lyeing over against the Isle of Arren, where formerly the inhabitants, before the troubles of Ireland, report themselves to have had a pretty trade thither. How flourishing soever theyr former condition hath beene, it is now certainely to bee deplored, the place groweing every day worse and worse, by reason of theyr harbours being clogged and filled up with sand, which the Westerne Sea and the winds from the neighbouring islands beate up into it, in soe much that it is very difficult for any vessell to come in or goe out. That which will most conduce to the preserveing the towne either in trade, name, or memory, wilbe the stronge cittadell built there of late yeares by the English.

The lymitts or district of this Port are of a very large extent and circuit, being all the shoare that bounds and terminates the shires of Kyle, Carrick, and Galloway, places fuller of moores and mosses then good townes or people, the same being in many places not planted, and all of it voyde of tradeing except the towne of Ayre, Kircowbright, and Dunfreeze; nor in any likelihood of obtayneing any when there is not a shippe or barke belonging to any port in these parts except to Ayre, where there is one shippe of one hundred, another of forty, and a third of some thirty tonnes, and two barques, one of three and the other of some foure tons onely, which are employed most comonly in a coasting trade to Glasgowe, and sometimes with coales for Ireland.

The creekes along the coast from this place to Port-patricke, are Dunduf-mull, Dunneure, Maidenhead, Turneberry, Drumgurloch, Girven, Armillian, Ballantry, Garran, and Glenfoote, at which places there are some five or sixe fisher-boates, and not many more houses, except Ballantry, which is a mercate towne, as poore as little.

From the Glenfoote there is noe creeke up the Louqh, untill one come as farre as Stranrawer, otherwise called the Chappell, being a small mercate towne the side of the Louqh, which would prove a pretty harbour for shelter of vessells in time of storme to putt in there, which is certainely very seldome and rare, in respect there is not now nor ever was any trade to bee heard of here.

Next to Stranrawer is Girvellen, a creeke, whether boates come and goe to and from Ireland, and next to those two is Port-patrick, a place much frequented by those who have any trade or affaires towards Ireland, because of its nearnesse to that countrey, and conveniency of transporting horse, cattell, and other materialls for planting thither, which is the sole trade of these parts, as there is noe harbour, soe noe vessell of any burden can possibly come in.

The next to these are Whithorne and Wigton, to the latter of which there comes sometimes a small boate from England, with salt or coales.

Betwixt these and Kircowbright there is noe creeke nor port, but one creeke at the foot of the water of Fleete, not worth the nameing. As for Kircowbright, it is a pretty and one of the best ports on this side of Scotland, where there are a few, and those very poore, merchants, or pedlars rather, tradeing for Ireland. Beyond this, there are the small creekes of Balcarie, the Water of

Ore, and Satternis, whither some small boates come from England with salt and coales. And last of all Dunfreeze, a pretty mercat towne, but of little trade, that they have being most part by land, either for Leith or Newcastle. The badnesse of comeing into the river upon which it lyes, hindering theyr comerce by sea, soe as whatever they have come that way is comonly and usually landed at Kircowbright. This towne of Dumfreeze was formerly the head port of these parts, the towne of Ayre being then within the district of Glasgowe; but there being nothing to doe, the Comissioners thought fitt to remove the Collector to Ayre, (which is much the better towne of the two,) where there is a checque and three officers; one of which officers attends constantly at that towne, one other of them resides at Portpatrick, and lookes to that and the adjacent creekes of Stranrawer, Garvellen, Whitehorne, and Wigton, and the last of them at Kircowbright, for lookeing after that place, with Dunfreeze and the Water of Fleete, Balcarie, the Water of Ore, and Satternis; the rest of the ports and places of this district haveing beene never esteemed worth either the care or charge of a wayter, and indeede the whole will not doe much more then defray the charge which is necessarily expended on them.

Thus yours Honours have had a view of the severall Ports and Creekes of Scotland, in which there is any Trade or Comerce, with the number of the Collectors, and Wayters under them; where and how bestowed and employed. Which, in respect of the largenesse of the bounds and lymitts, are but few; yett, considering the Countrey, with its trade, sufficient enough for the worke thereof, the most and greatest part of those which are established, being more frequently exercised in a vigilancy and circumspection for hindering the clandestine bringing of goods on shoare rather then action upon landing any.

To give your Honours an accompt of the particular state and condition of every particular port, would bee too tedious; in the generall, therefore, untill of late, that the Customes and Excise were joined together, there was nothing either of method or forme discovered in any of them. The Collectors received very uncertainely, some more, some lesse, for a comodity, according to a confused booke of rates, made and collected by themselves, from an old booke of rates, sometimes in force in Scotland. In some places, the collector and checque kept but one booke betwixt them, in which either of them entered promiscuously what was received; in some places, there were noe bills of entryes taken or kept; in others, where they were, there was noe accompt but what was made and drawne from these bills at the end of the quarter, which had beene too loosely flung about, without any fileing up of the same. The masters of ships, neither inwards nor outwards, were called upon to declare any contents of theyr vessells, nor any shipper's booke kept for either; noe notice was taken of any goods comeing, by cocquet, or certificate, nor any regard of fileing or keepeing them ; noe goods were ever weighed at landing, little notice taken of what was shipped out. The wayters were left at large to take up or land goods as they pleased, for there was none that tooke any inspection of theyr actions, nor ever any surveigh made before either of the ports or proceedings of the collectors ; every one pursued his owne way, and all of them intended more the receiveing moneys for writeing bills, cocquetts, and transires, then leavyeing what was due unto the State, and more, comonly, was received and taken for these bills, cocquetts, and transires, then the duty of the goods. But this, upon the conjunction of both receipts, as aforesaid, beganne, from the instructions at that time given, to setle and center into some order, but not soe much as was to have beene wished. Haveing, therefore, examined the accompts of every particular port, considered and weighed its situation, trade, and how it was managed by every collector ; and findeing, from the strangenesse of such a visitt, an anxiety in all the officers, which produced a tendency and inclination to bee brought on to a thorough reformation of things, I did proceede to the rectifyeing of whatever was amisse, and informeing every one the best I was able ; but least they might returne in a short time to theyr old confusion, I did fitt the instructions of the Comissioners of the Customes of England to the meridian of Scotland, and added such other in relation to the Excise of forraigne goods, and theyr better keepeing an accompt of both receipts as succinctly, and with the least trouble possibly ; (all which are hereunto annexed,) as might fully enable every officer to understand the duty of his trust, and remayne for a standing rule by them untill either time or new lawes should render them uselesse.

What effect they will have, the receipts wilbe best able to shew, which, though small, have beene improved in comparison of former times, and will growe every day, as the coast will become more calme and quiet from the interruption which the Dunkirkers and Pickerons have given to all trade there, which, at best, (that too much expectation may not bee had of the thing,) was never greate; and what it is, or may bee hereafter, is not difficult to divine, from the smallnesse and fewnesse of shipping, and greatnesse of the poverty of the countrey. They trade outwards onely with pladding, coale, salt, herring, and salmond, for Norway, Eastland, Holland, and France, from whence they returne with some few comodityes home againe. But the greatest part of theyr trade hath and wilbe a coast trade to and from England, and especially as long as the warre continues with Spaine, because of the security of convoy, which they alwayes goe under when they goe to or from England, and must for the most part goe without, if they make for any forraigne port. But yett there are some who doe still adventure abroad, but under the covert and pretext of being Dutch, in whose ports they enter theyr shippes, and sayle with Dutch passes and mariners, or els bring home theyr goods in Dutch bottomes, which are made over by bill of sale, and so become the shipps of the natives when they arrive there, but once unladen, they depart, and are then Dutch bottomes againe. And this hath beene, and is soe likely still to bee, practised in those parts, as little or noe forraigne trade is likely to bee driven there without some stronger guard on those coasts, more than what either the friendship, or interest rather, of the Dutch will permitt, they being the onely persons at this time employed in matter of trafficque at that end of the world; and was at first taken up from the case of a seizure which happened to bee made of a Dutch bottome, sayleing with Dutch marriners, which came into Leith with wines from Cales. The merchant joynes issue with the officer in the Exchequer, asserts the shipp to bee bought of the Dutch, and laden for his proper accompt, and pleads, in barre of confiscation, the second branch of the Act passed in England for increase of trade and navigation, as permitting and giveing liberty for the bringing in any goods of the groweth, product, or manufacture of Europe, in shipps belonging to natives of this Comonwealth, without haveing either the master or major part of the marriners to bee of the people of the same. In which noe finall sentence hath yett beene given by the Judges, and the thing hath layne dormant, without any conclusion therein; but the wines have beene released upon security, and the shippe returned since home into Holland. As this hath given encouragement to sundry merchants to practise the same thing, soe it hath much discouraged the Officer, who would bee yett more, as to the businesse of the Customes, because of the Judges of the Exchequer theyr being necessitated, as things are at present, to proceede in some things according to the English, and in some things according to the Scots lawe, which certainely was made more in favour of the merchant then state, did not the joyneing of both dutyes under one and the same management supply this defect, by putting forth the power of the one to what the power of the other cannot reach, for keepeing the whole upright; and, if in nothing more, theyr joyneing together hath beene advantagious, yett certainely in this, that the leavyeing the duty of Excise in this part of the world hath beene none at all, or very little charge to the Comonwealth, in that it is and hath been managed by the same officers as the Customes singly could or must have beene done with, the same being not possible to bee effected at a lower charge, or with fewer officers, although none of them bee soe employed, but that they may doe both joyntly, or els theyr time may serve them to doe them otherwise successively, which gave the opportunity of linkeing them together as they are, and the advantage of being thrifty for the publique.

The onely charge that is upon the receipts of Excise, wilbe the collecting of the shires of Argile, Bute, and Mid-Lothian, which are not as yett, nor wilbe likely to bee farmed; the two first being Highlands, and the other formerly putt into farme, but not soe now, none being soe hardy to adventure upon the doeing thereof, because of the vicinity of Edinburgh, who was alwayes troubleing and vexeing the farmer. For the Excise of all beere and ale spent or made in Leith, Edinburgh, and pendicles, (which is the principall flower of the receipts, and not lesse worth then ten thousand pounds per annum,) being for a certaine terme granted unto the Citty of Edinburgh ; they have not onely tooke occasion very often to give some disturbance and interruption, by challengeing severall places to bee within theyr district and grant, which hath proved otherwise, but alsoe by meanes of the word (*or*) in theyr graunt, which, according to the lawes of Excise, and the practise thereof, should have beene (*and*,) and done rather through inadvertency in draweing the grant, than any particular intent, (as I humbly conceive,) in his Highnesse or Councill, to lay a double Excise upon beere and ale, have taken the opportunity of makeing the brewers which live to landward to pay Excise to them, when as they had before duely payd the same where it was brewed.

By what hath beene already said, your Honours may easily perceive the settlement, state, groweth, and conditioun of the Revenues of Excise and Customes in Scotland ; to which (because I am sensible I have detayned your Honours too long) I shall onely adde this further, that there hath noe care, nor diligence possible beene wanting, for setling and establishing of them both soe as might bee with the most profitt, advantage, and least charge to the State, and the most ease and conveniency of the people. In which, if my self, (the most unworthy instrument of all,) have, with greate care, travayle, and paynes, done or performed any thing which may bee serviceable to the Publique, I must and shall ever professe the same to bee the effects of your Honours' favour, and the esteeme you were pleased to have of my weake indeavours. But if any thing otherwise, that I must challenge as my owne ; and shall humbly begg that your Honours, in the discovery, would alsoe bee pleased to pardon and passe by the imbecillityes and failures of,—Right Honob^{le}., your hono^{rs} most humble and faithfull Servant,

LONDON, 20*th November* 1656. THO. TUCKER.

An Accompt of the Beere, Ale, and Acquavitae lett to Farme in the severall Shires of Scotland for the terme of 4 months, from the 19th of September, 1655, to the 19th of January, 1655-6.*

The Shire of Haddington, to Andrew Grereson, at the rent of	£600	0	0
Edinburgh, or Mid-Lothian, to ditto, at the rent of	1200	0	0
Linlithquo, to ditto, at the rent of	240	0	0
Lanerick and Glasgow, to Gawen Dunlap, at the rent of	1000	0	0
Fife and Kinross, to Thomas Seaton, at	1480	0	0
Sterling, to James Sterling and Robert Russell, at	324	0	0
Clackmannon, to James Ritchie, at	82	0	0
Peebles and Selkirke, to John Glassford, at	100	0	0
Barwicke, to Alexander Cornewall, at	200	0	0
Roxburgh, to ditto at	280	0	0
Ayre, to Andrew Hinshawe, at	800	0	0
Dunfreese, to William Greene, at	200	0	0
Renfrew, to John Rewitt, at	120	0	0
Dunbarton, to William Stevenson, at	72	0	0
Burgh of Dundee and Milnes, to John Scrymgeor, at	400	0	0
Wigton and Kirkcowbright, to John Forbes, at	170	0	0
Aberdeene and Bamffe, to ditto, at	980	0	0
Forfar (except Dundee,) to Thomas Ramsay, at	368	0	0
Elgin and Nairne, (except Farintosh,), to William Duffe, at	240	0	0
Pearth, to Alexander Glasse, at	840	0	0
Mearnes, to Alexander Seaton, at	128	0	0
Totall	£9824	0	0

During the terme of the four months preceding there was collected by

Thomas Rowe, for inland salt betweene Leith and Barwick	£61	2	3			
William Bailye, for ditto betweene Leith and Sterling	15	0	0			
George Smith, for ditto betweene Sterling and Brunt Isle	20	0	0			
Robert Seaton, for ditto betweene Brunt Isle and St Andrews	11	3	7			
Archibald Dunbar, for beere, ale, and acquavitæ, in Rosse, Caithness, Southerland, Invernesse, and Cromerty	513	4	0			
Henry Leech, for beere and ale in Argile and Bute	27	0	0			
				647	9	10
				£10,471	9	10

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* *Note.*—In the account these sums are stated as payable in two equal instalments, the 19th of November and of January following.

AN ACCOMPT of the Beere, Ale, and Acquavitæ lett to Farme in the severall Shires in Scotland, from the 19th of January, 1655-6, exclusive, to the 31st of January, 1656-7, inclusive, vizt.*

The Shire of Sterling, to James Sterling and Robert Russell, at	£1053	11	0
Lanericke, to James Sterling and Walter Nealson, at	3470	10	0
Roxborough, to Thomas Lewin, at	991	11	0
Barwicke, to James Kyle, at	744	0	0
Ayre and Renfrew, to Gawen Dunlap, at	2913	0	0
Peebles and Selkirke, to Richard Smith, at	347	0	0
Haddington and Linlithquo, to Andrew Grereson, at	2665	0	0
Dunbarton, to John Smallet, at	248	0	0
Dunfreeze, to Robert Graham, at	694	0	0
Wigtown and Kircowbright, to Andrew Hewston, at	570	0	0
Dundee Burgh, to Sir Alexander Wetherburne, at	1343	0	0
Pearth, to Alexander Glasse, at	3049	0	0
Aberdeene, to Adam Mushott, at	2789	0	0
Bamffe, to William Duffe at	434	0	0
Forfar, (Dundee excepted,) Kincardin, Clackmannon, to Alexander Glasse, at	2107	0	0
Fife and Kinrosse, to Thomas Seaton, at	5181	0	0
Elgin, Nairne, Inverness, Cromarty, Rosse, Southerland, Caithnesse, Orkney, Shetland, to John Bilton, at	2736	6	8
The Shire of Mid-Lothian not being farmed, but collected, is estimated at	3718	10	0
	£35,054	8	8

ACCOMPT of the Native and Foreign Salt lett to Farme, as followeth, viz^{t}.

(†) Salt made betweene Brunt Island and St Andrewes, from the 19th January, 1655-6, to the 31st January 1656-7, let to Robert Seaton, at	£90	0	0
(†) Salt made betweene Leith and Barwick, dureing the terme aforesaid, lett to Thomas Rowe at	360	0	0
(‡) Salt made betweene Sterling and Brunt Island dureing the terme aforesaid, lett to ditto, at	150	0	0

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* These sums are made payable in six instalments; the largest in March 1656, the rest in equal portions, in May, July, September, November, 1656, and January, 1656-7.

† Payable in six equal instalments, in March, May, July, September, and November, 1656, and January 1656-7.

‡ Payable in three equal instalments, in May and September 1656, and January 1656-7.

(*) Salt made betweene Leith and Sterling, lett, dureing the terme aforesaid, to William Baylie, at . . .	210	0	0
(*) Forraigne or Imported Salt lett, from the 1st of August, 1656, to the last of July, 1658, to Samuell Atkins, at the rent of	1100	0	0
	£1910	0	0
Farmes of Beere, &c.	35,054	8	8
Totall,	£36,964	8	8

Accompt of the Receipts of Customes and Excise in the Ports of Scotland, from 1st October 1655, to 1st February, 1655-6.

Ports.	Customes.				Excise.				Totall.		
LEITH.		£	s.	d.		£	s.	d.	£	s.	d.
October .	Inwards	58	2	8	Importation	48	4	7	1500	8	11⅚
	Outwards	9	11	8	Sale .	48	17	2½			
	May Lights	2	17	0	Fines .	4	16	0			
November	Inwards	275	1	1	Importation	16	13	9			
	Outwards	0	0	0	Sale .	74	10	5			
	May Lights	2	17	0	Fine .	3	19	6			
December	Inwards	53	9	9	Importation	34	19	0			
	Outwards	0	15	7½	Sale .	39	7	9⅚			
	May Lights	3	5	0	Fine .	2	10	0			
January .	Inwards	331	12	1	Importation	27	9	4½			
	Outwards	0	0	0	Sale .	446	1	8½			
	May Lights	5	4	0	Fine .	10	3	9			
	Totall,	742	15	10½	Totall,	757	13	1⅓			

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* Payable in nine instalments of £83, 6s. 8d., in September and November, 1656, and January 1656-7, March, May, July, September, November 1657, and January 1657-8; and three instalments, of £116, 13s. 4d., in the following months of March, May, and July.

Receipts of Customes and Excise in the Ports of Scotland from 1st October, 1655, to 1st February, 1655-6—*continued.*

Ports.	Customes.				Excise.				Totall.		
BURROSTONES.		£	s.	d.		£	s.	d.	£	s.	d.
October	Inwards	82	10	0	Importation	24	9	4½	457	6	4½
	Outwards	14	19	4½	Sale .	0	0	0			
	May Lights	5	5	3							
November	Inwards	0	0	0	Importation	10	13	2½			
	Outwards	23	9	11⅓	Sale .	0	0	0			
	May Lights	6	10	3							
December	Inwards	56	18	6½	Importation	77	19	0¼			
	Outwards	45	14	6	Sale .	0	0	0			
	May Lights	10	13	6							
January	Inwards	26	18	0	Importation	25	6	3			
	Outwards	27	6	2	Sale .	12	4	3			
	May Lights	6	8	9							
	Totall	306	14	3⅓	Totall	150	12	1¼			
BRUNT ISLAND.											
October	Inwards	7	10	6	Importation	3	0	0	188	10	11
	Outwards	3	14	0	Sale .	0	15	0			
	May Lights	2	18	8							
November	Inwards	8	6	8	Importation	8	18	10½			
	Outwards	3	2	6	Sale .	11	10	4			
	May Lights	0	15	6							
December	Inwards	67	2	1½	Importation	3	18	2½			
	Outwards	0	0	0	Sale .	1	18	0			
	May Lights	0	18	8							
January	Inwards	25	15	9½	Importation	30	9	6			
	Outwards	5	17	8½	Sale .	1	0	7½			
	May Lights	0	18	2							
	Totall	127	0	4½	Totall	61	10	6½			

Receipts of Customes and Excise in the Ports of Scotland, from 1st October, 1655, to 1st of February, 1655-6—*continued.*

Ports.	Customes.				Excise.				Totall.		
DUNDEE.		£	s.	d.		£	s.	d.	£	s.	d.
October	Inwards	31	1	8	Importation	0	0	0	260	10	1
	Outwards	50	16	11	Sale	38	10	9			
November	Inwards	20	11	10	Importation	0	0	0			
	Outwards	0	0	0	Sale	23	13	1			
December	Inwards	24	2	7	Importation	12	13	7½			
	Outwards	0	0	0	Sale	2	9	4			
January	Inwards	0	0	0	Importation	0	0	0			
	Outwards	0	0	0	Sale	21	17	4			
	May Lights	1	11	0							
	Totall	128	5	0	Totall	132	5	1			
ABERDEENE.											
October	Inwards	0	0	0	Importation	0	0	0	338	6	2
	Outwards	0	0	0	Sale	76	14	7			
November	Inwards	0	0	0	Importation	0	0	0			
	Outwards	161	8	0	Sale	0	0	0			
December	Inwards	28	13	6	Importation	31	7	5			
	Outwards	15	16	6	Sale	0	0	0			
January	Inwards	0	0	0	Importation	0	0	0			
	Outwards	24	7	2	Sale	0	0	0			
	Totall	230	5	2	Totall	108	1	0			

Receipts of Customes and Excise in the Ports of Scotland from 1st October, 1655, to 1st of February, 1655-6—*continued.*

Ports.		Customes.				Excise.				Totall.		
			£	*s.*	*d.*		£	*s.*	*d.*	£	*s.*	*d.*
INVERNESSE.												
	October	Inwards	0	0	0	Search .	41	3	5	210	13	7½
		Outwards	0	0	0							
	November	Inwards	0	0	0	Search .	64	5	0			
		Outwards	0	0	0							
	December	Inwards	0	0	0	Search .	16	4	0			
		Outwards	0	0	0							
	January	Inwards	12	9	8½	.	49	18	0			
		Outwards	26	13	6							
		Totall	39	3	2½	Totall	171	10	5			
GLASGOW.												
	October	Inwards	76	3	7⅙		0	0	0	537	3	7⅓
		Outwards	0	0	0	Search .	95	18	8⅚			
	November	Inwards	19	9	5⅓		0	0	0			
		Outwards	0	0	0		134	8	7½			
	December	Inwards	17	13	10		0	0	0			
		Outwards	0	11	$0\frac{6}{5}$		36	8	9⅔			
	January	Inwards	64	12	0½		0	0	0			
		Outwards	6	12	7½		84	12	10			
						Fines .	0	12	0			
		Totall	185	2	7⅓	Totall	352	1	0			
AYRE.												
	October	Inwards	1	11	6	Importation	0	10	6	245	3	2
		Outwards	0	0	0	Sale .	2	18	4			
	November	Inwards	0	0	0	Importation	0	0	0			
		Outwards	0	0	0	Sale .	18	17	9½			
	December	Inwards	0	19	4	Importation	1	0	4			
		Outwards	0	5	3½	Sale .	28	1	1			
	January	Inwards	6	7	11½	Importation	28	12	10			
		Outwards	0	10	10	Sale .	155	6	7½			
		Totall	9	14	11	Totall	235	8	3			

Receipts of Customes and Excise in the Ports of Scotland from 1st of February, 1655-6, to 1st of June 1656.

Ports.	Customes.				Excise.				Totall.		
LEITH.		£	*s.*	*d.*		£	*s.*	*d.*	£	*s.*	*d.*
February	Inwards	469	9	3½	Importation,	9	14	9	2535	15	6
	Outwards	0	6	1	Sale .	379	5	4			
March	Inwards	98	13	0½	Importation	39	14	10			
	Outwards	7	10	9	Sale .	386	7	11½			
April	Inwards	416	9	9½	Importation	14	1	9			
	Outwards	14	14	5	Sale .	234	9	2½			
May	Inwards	51	9	8½	Importation	34	17	1½			
	Outwards	4	5	2	Sale .	344	5	3½			
	May Lights	11	5	9	Fines .	10	15	3			
	Seizures	8	0	0							
	Totall	1082	4	0	Totall	1453	11	6			
BURROSTONES.											
February	Inwards	116	3	1½	Importation	8	11	9⅚	880	9	4¾
	Outwards	70	13	0	Sale .	2	6	0½			
	May Lights	16	17	9							
March	Inwards	110	13	6½	Importation	126	5	4			
	Outwards	45	14	11	Sale .	0	0	0			
	May Lights	12	7	5							
April	Inwards	48	8	0½	Importation	67	18	8½			
	Outwards	55	7	2½	Sale .	32	0	0			
	May Lights	16	10	0½							
May	Inwards	16	1	7	Importation	20	1	2½			
	Outwards	63	6	11⅚	Sale .	27	5	0			
	Total	551	10	6⅚	Totall	328	18	9⅚			

Receipts of Customes and Excise in the Ports of Scotland from the 1st of February, 1655-6, to the 1st of June, 1656—*continued.*

Ports.		Customes.				Excise.				Totall.		
			£	*s.*	*d.*		£	*s.*	*d.*	£	*s.*	*d.*
BRUNT-ISLAND.												
	February	Inwards	5	7	11	Importation	35	2	10			
		Outwards	9	3	0½	Sales .	3	0	0			
		May Lights	3	11	4							
	March	Inwards	6	12	7	Importation	48	15	4			
		Outwards	8	16	8	Sales .	0	0	0			
		May Lights	1	17	8							
	April	Inwards	10	17	1	Importation	23	5	5½	264	5	0
		Outwards	7	15	5	Sales .	7	13	6			
		May Lights	0	17	0							
	May	Inwards	72	15	9	Importation	7	14	9			
		Outwards	2	1	6	Sales .	8	8	0			
						Fines .	0	19	2			
		Totall	129	5	11½	Totall	134	19	0½			
DUNDEE.												
	February	Inwards	81	8	4	Importation	5	15	7½			
		Outwards	19	15	0	Sales .	0	0	0			
	March	Inwards	20	7	0	Importation	18	11	6			
		Outwards	0	0	0	Sales .	0	0	0			
	April	Inwards	3	19	6	Importation	2	8	6	401	16	5
		Outwards	30	4	8	Sales .	0	0	0			
	May	Inwards	96	5	2	Importation	1	1	3			
		Outwards	1	9	2	Sales .	38	10	8½			
						Fines .	10	0	0			
		Totall	253	8	10	Totall	148	7	7			

Receipts of Customes and Excise in the Ports of Scotland from the 1st of February, 1655-6, to the 1st of June, 1656—*continued.*

Ports.	Customes.				Excise.				Totall.		
		£	s.	d.		£	s.	d.	£	s.	d.
ABERDEENE.											
February	Inwards	45	16	10	Importation	26	7	10	208	7	7
	Outwards	0	0	0	Sale .	12	0	0			
March	Inwards	0	0	0	Importation	0	0	0			
	Outwards	2	7	0	Sale .	0	0	0			
April	Inwards	29	16	5	Importation	27	11	2			
	Outwards	0	0	0	Sale .	0	0	0			
May	Inwards	11	11	5	Importation	8	17	11			
	Outwards	18	12	0	Sale .	25	7	0			
	Totall	108	3	8	Totall	100	3	11			
INVERNESSE.											
February	Inwards	10	12	3	Importation	8	10	9	132	4	0
	Outwards	0	0	0	Sale .	0	0	0			
March	Inwards	0	0	0	Importation	0	0	0			
	Outwards	17	5	0	Sale .	0	0	0			
April	Inwards	52	16	0	Importation	0	0	0			
	Outwards	0	0	0	Sale .	37	0	0			
May	Inwards	0	0	0	Importation	0	0	0			
	Outwards	0	0	0	Sale	6	0	0			
	Totall	80	13	3	Totall	51	10	9			

Receipts of Customes and Excise in the Ports of Scotland from the 1st of February, 1655-6, to the 1st of June 1656—*continued.*

Ports.		Customes.				Excise.			Totall.		
		£	s.	d.		£	s.	d.	£	s.	d.
GLASGOW.											
February	Inwards	57	17	10⅙	Importation	12	10	5⅓	458	10	6⅚
	Outwards	10	18	5⅚	Sale .	22	15	8½			
March	Inwards	2	2	3⅔	Importation	47	4	7⅙			
	Outwards	3	15	9⅙	Sale .	16	1	0			
April	Inwards	62	2	0½	Importation	6	4	1			
	Outwards	6	15	0⅔	Sale .	80	13	9			
May	Inwards	36	9	0½	Importation	32	4	8			
	Outwards	6	4	1⅙	Sale .	49	16	9			
					Fines .	4	17	10½			
	Totall	186	4	8⅓	Totall	272	5	10½			
AYRE.											
February	Inwards	0	0	0	Importation	0	0	0	86	13	5
	Outwards	0	5	3	Sale .	2	14	6			
March	Inwards	0	5	6	Importation	0	0	0			
	Outwards	0	0	6	Sale .	7	7	9			
April	Inwards	0	18	4	Importation	0	18	4			
	Outwards	0	6	5	Sale .	0	1	3			
May	Inwards	4	17	6	Importation	20	0	0			
	Outwards	1	5	5	Sale .	47	12	8			
	Totall	7	18	11	Totall	78	14	6			

Receipts of Customes and Excise in the Ports of Scotland from the 1st of June, 1656, to the 1st of October following.

Ports.	Customes.				Excise.				Totall.		
		£	s.	d.		£	s.	d.	£	s.	d.
Leith.											
June	Inwards	42	15	2	Importation	325	10	7	1841	9	0½
	Outwards	17	11	4½	Sale .						
July	Inwards	52	14	2½	Importation	339	1	11½			
	Outwards	9	16	3	Sale .						
August	Inwards	204	2	2½	Importation	293	10	10			
	Outwards	31	4	7	Sale .						
September	Inwards	146	16	1	Importation	316	1	5			
	Outwards	15	9	1	Sale .						
					Seizures & Fines	46	15	3½			
	Totall	520	8	11½	Totall	1321	0	1			
Burrostones.											
June	Inwards	58	19	9⅓	Importation	72	15	2½	895	19	3½
	Outwards	106	14	2	Sale . .	6	0	0			
July	Inwards	34	13	6	Importation	51	18	3½			
	Outwards	113	4	0	Sale . .	2	3	6			
August	Inwards	32	16	1⅓	Importation	47	17	6			
	Outwards	161	2	1	Sale . .	0	0	0			
September	Inwards	42	10	3⅙	Importation	43	13	1			
	Outwards	60	19	10	Sale . .	0	0	0			
					Seizures .	60	11	11⅔			
	Totall	610	19	8⅚	Totall	284	19	7			

Receipts of Customes and Excise in the Ports of Scotland from the 1st of June, 1656, to the 1st of October followeing—*continued.*

Ports.		Customes.				Excise.				Totall.		
BRUNT-ISLAND.			£	*s.*	*d.*		£	*s.*	*d.*	£	*s.*	*d.*
	June	Inwards	10	15	3½	Importation	10	12	9			
		Outwards	24	5	7	Sale .	3	2	0			
	July	Inwards	3	14	0	Importation	4	1	1½			
		Outwards	27	2	4	Sale .	4	15	10			
	August	Inwards	9	12	7	Importation	14	13	1	214	9	10
		Outwards	31	8	0	Sale .	0	0	0			
	September	Inwards	16	15	5½	Importation	13	13	7½			
		Outwards	33	1	7	Sale .	0	10	0			
						Fines .	5	16	11			
		Totall	157	14	7	Totall	56	15	3			
DUNDEE.												
	June	Inward	3	11	8	Importation	7	9	0			
		Outward	0	0	0	Sale .	12	3	0½			
	July	Inward	18	0	3	Importation	22	13	8			
		Outward	0	0	0	Sale .	77	3	3			
	August	Inward	40	0	5½	Importation	45	11	1½	306	0	4½
		Outward	0	0	0	Sale .	0	0	0			
	September	Inward	19	0	6	Importation	20	15	11			
		Outward	39	11	6	Sale .	0	0	0			
		Totall	120	4	4½	Totall	185	16	0			

Receipts of Customes and Excise in the Ports of Scotland from the 1st of June, 1656, to the 1st of October followeing—*continued.*

Ports.	Customes.				Excise.				Totall.		
ABERDEENE.		£	*s.*	*d.*		£	*s.*	*d.*	£	*s.*	*d.*
June	Inwards	80	15	8	Importation	81	7	0	282	6	8
	Outwards	0	0	0	Sale .	3	0	0			
July	Inwards	2	2	11	Importation	1	19	1			
	Outwards	0	0	0	Sale .	3	0	0			
August	Inwards	4	19	5	Importation	0	18	6			
	Outwards	0	0	0	Sale .	0	0	0			
September	Inwards	21	12	11	Importation	25	19	7			
	Outwards	25	0	0	Sale .	31	11	4			
	Totall	134	10	11	Totall	147	15	6			
INVERNESSE.											
June	Inwards				Importation						
	Outwards				Sale						
July	Inwards				Importation						
	Outwards				Sale						
August	Inwards				Importation						
	Outwards				Sale						
September	Inwards				Importation						
	Outwards				Sale						

Receipts of Customes and Excise in the Ports of Scotland from the 1st of June, 1656, to the 1st of October followeing—*continued.*

Ports.		Customes.				Excise.				Totall.		
GLASGOW.			£	*s.*	*d.*		£	*s.*	*d.*	£	*s.*	*d.*
	June	Inwards	85	6	$6\frac{1}{3}$	Importation	78	17	$6\frac{3}{6}$	443	1	3
		Outwards	10	15	$6\frac{1}{2}$	Sale .	33	10	0			
	July	Inwards	8	12	$10\frac{5}{6}$	Importation	19	12	8			
		Outwards	7	0	$2\frac{3}{6}$	Sale .	17	12	6			
	August	Inwards	41	8	$6\frac{1}{6}$	Importation	26	2	$10\frac{1}{2}$			
		Outwards	10	0	$7\frac{3}{6}$	Sale .	65	13	$4\frac{3}{6}$			
	September	Inwards	16	18	$8\frac{4}{6}$	Importation	8	11	10			
		Outwards	2	16	$2\frac{1}{2}$	Sale .	9	0	0			
						Seizures .	1	1	$2\frac{1}{2}$			
		Totall	182	19	3	Totall	260	2	0			
AYRE.												
	June	Inwards	35	13	11	Importation	19	3	3	103	12	7
		Outwards	2	3	2	Sale .	18	2	6			
	July	Inwards	1	12	6	Importation	1	13	6			
		Outwards	0	16	9	Sale .	0	9	3			
	August	Inwards	6	7	11	Importation	3	1	5			
		Outwards	18	10	0	Sale .	1	11	4			
	September	Inwards	2	15	$3\frac{1}{2}$	Importation	3	14	$0\frac{1}{2}$			
		Outwards	4	16	11	Sale .	0	12	0			
		Totall	55	5	$3\frac{1}{2}$	Totall	48	7	$3\frac{1}{2}$			

A LIST of the severall Officers employed for carryeing on the businesse of Customes and Excise under the commissioners of both in Scotland, with theyr respectively yearly Salaryes, viz^t.

Generall Officers.

Anthony Wilson, Threasurear,	£160	0	0
Robert Hodge, Sollicitor,	100	0	0
John Lincolne, Surveigheor-generall,	100	0	0
William Welch, Clerke,	200	0	0
Richard Greene, Register Accomptant,	80	0	0
Richard Chandler, Doore-keeper,	20	0	0

Collectors in the Ports.

John Leete, Collector in the port of Leith,	120	0	0
His assistant,	40	0	0
Robert Parkes, at Burrostones,	80	0	0
Alexander Tayes, at Brunt Island,	60	0	0
Thomas Jarvis, at Dundee,	80	0	0
Thomas Jordan at Aberdeene,	80	0	0
John Hall, at Invernesse,	60	0	0
Richard Perry, at Glasgowe,	80	0	0
Henry Richardson, at Ayre,	60	0	0

The several Checques in the Ports.

Richard Starkey, Checque at Leith,	100	0	0
William Cap, at Burrostonesse,	60	0	0
John Ayrd, at Brunt Island,	50	0	0
Anthony Ashfield, at Dundee,	60	0	0
William Bourcher, at Aberdeene,	60	0	0
Daniel Bradley, at Invernesse,	50	0	0
Josuah Downeing, at Glasgowe,	60	0	0
William Reid, at Ayre,	50	0	0

The Head Searcher with the severall Wayters of the Ports.

John Sober, Head Searcher,	40	0	0	Thomas Coxhead,	25	0	0
Thomas Disborow, wayter,	25	0	0	Thomas Tulley,	25	0	0
Adam Fleming,	25	0	0	William Medley,	25	0	0
Peter Bird,	25	0	0	Robert Glegg,	25	0	0
John French,	25	0	0	James Morrice,	25	0	0
Thomas Baynes,	25	0	0	John Hudson,	25	0	0

William Wallace,	20	0	0	Alexander Young,	20	0	0
Henry Coale,	20	0	0	Henry Anderson,	20	0	0
Thomas Sherman,	20	0	0	James Hamilton,	20	0	0
Thomas Gates,	20	0	0	John Lambe,	20	0	0
Richard Hill,	20	0	0	John Rewett,	20	0	0
John Lloyd,	20	0	0	Thomas Weyr,	20	0	0
Anthony Snidall,	20	0	0	Robert Mascall,	20	0	0
Henry Heatley,	20	0	0	Henry Hester,	20	0	0
Matthew Booth,	20	0	0	Henry Stewart,	20	0	0
William Mackeney	20	0	0	James Ritchey,	20	0	0
Peter Nicholls,	20	0	0	John Cooke,	20	0	0
John Flint,	20	0	0	Thomas Cuming,	22	10	0
John Marryott,	20	0	0	Francis Fielding,	22	10	0
John Aird,	20	0	0	Francis Steere,	22	10	0
William Muirhead,	20	0	0	William Betty,	22	10	0
Thomas Clerke,	20	0	0	George Mackello,	22	10	0
Robert Vry,	20	0	0	Thomas Pullings,	22	10	0
Alexander Duncan,	20	0	0	Samuell Sayers,	22	10	0
George Hill,	20	0	0	John Pun,	22	10	0
Alexander Vaughan,	20	0	0	Thomas Spittle,	12	0	0

Total, £2937 0 0

REGISTER

CONTAINEING

THE STATE AND CONDITION OF EVERY BURGH WITHIN THE KINGDOME OF SCOTLAND,

IN THE YEAR 1692.

REGISTER CONTAINEING THE STATE AND CONDITION OF EVERY BURGH WITHIN THE KINGDOME OF SCOTLAND, IN THE YEAR 1692.

INSTRUCTIONS.

INSTRUCTIONS *given be the* ROYALL BORROWS *to the* VISITORS, 9 July 1691.

Imprimis. That the visitors take ane exact accompt to be given in by the magistrats and toun clerk of everie particular burgh off ther comon good and debt upon oath and the magistrats and toun clerk to subscrive the same.

2. Item, that the magistrats and toun clerk produce ane exact accompt in the termes forsaid of all the mortifications belonging to the toun councill or gildry or trades therof, and that the saids visitors are to consider the mortificationes in soe far as they only are imployed to ease the burghs off publict burdens and taxes laid on the same.

3. Item, the visitors appoynted for the south royall borrowes of this kingdome that in ther circuts they call for the measours keept by Jedburgh to sie if they be conform to the standart.

4. Item, the visitors of the royall borrowes to take inquirie that when they come to the burghs of Stirling, Lithgow, Hadingtoune, Bamff, and (*blank*) burghs, whether the burgesses of these burghs lyes under ane absolut necessity of loading and unloading at unfree burghs, to the effect that if it appear that they lye wnder ane impossibility to load and unload at unfrie ports that then they may have a particular dispensatione to load and unload at unfree ports.

5. Item, that the magistrats and toun clerk produce to the saids visitors the theasaurers accompts and equies fyve or more years backward upon the terms forsaid.

6. Item, in all burghs that they take exact tryall unto ther trade, both forraigne and inland, and particularly of the wines and of the vent and consumption of malt for fyve years backward.

7. Item, that they take exact accompt of what ships, barks, boats, and ferrie boats they have belonging to them, the names of the saides ships, ther burden, and value of each of them, and how imployed and by whom.

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Instructions to visitors.

8. Item, they are also to take ane accompt of what ships they are owners of or pairtners in, out of ther own burghs als weell as in the same, and this to be given accompt of conform to ther oath of knowledge and how far they are concerned with the burghs of regalities and barronies in the matter of trade.

9. Item, that they take particular notice how far there cess are payed, whether out of ther comon good or by taxationes on ther burgh.

10. Item, to take ane exact accompt of ther ministers stipends, schoolmasters, precentars, and all other publict servants, what it is and how payed, whether out of any mortification or out of the towns comon good, or by taxation upon the people or teinds of the paroch.

11. Item, to take exact notice how ther publict works are mantained, and out of what fonds such as churches, hospitalls, bridges, harbours and the lyike.

12. Item, they are to take exact inspectione of the caice of the houses of the towne and how they are inhabited, and what rents they may be of, and of what rait houses inhabited by strangers are.

13. Item, to take ane exact accompt how many fairs and publict marcats each burgh hes yearly, and of how long endurance, and what the intrinsick value or importance the same may be of.

14. Item, that the visitors of the royall borrows in ther circut of visitation take information from the magistrats of the royall burghs of the state and condition of the regalities, barronies, and other unfree burghs within ther respective precints, as to ther trade, comon good, and condition of ther houses and inhabitants of the unfrie burghs, and that the saides informationes be given in by the saids magistrats to the visitors dureing the tyme they stay within ther burgh.

15. Item, that the visitors take ane exact accompt and tryall of everie thing els that occurs to them relaiting to the condition of the respective burghs whom they shall visite.

REPORTS.

Burgh of Edinburgh.

The Annwall Revenewes off the Good Towne of Edinburgh.

Edinburgh.

	MARKS.		MARKS.
Meall marcat	1,600	Mark upon the pack to Edinburgh	450
Netherbow, Cowgait, and New ports	1,250	Mark upon the tun and pack to Leith	3,600
West port	1,800	Shoar dewes at Leith	7,700
Societie and Potteraw ports	1,200	Weighouses of Edinburgh and Leith	5,100
House of Moore	2,000	Timber Bush	1,200
Tallow trone	110	Imposition on forraigne cloath	2,500
Flesh and cloath boards	1,700	Annuity and seat rents	20,300
Fish marcat	870	Elleaven comon milns	15,600
Corn and leather marcats	450	Old imposition on wins	37,850
Sheep flecks	400	New imposition	*14,750
Poultray and bread marcats	1,600		
Veal boards	500		109,230
Shoad carts	1,050		
Fruitte metts	300		

	LIB.	S.	D.		LIB.	S.	D.
Societie	2,333	6	8	South kirk inclosurs there	30	0	0
Grass of Grayfrier yeard	166	13	4	Gallow green	72	0	0
Fore Moore	60	0	0	Colledge and kirk rents	5,264	0	0
Back Moore	33	6	8	Few duties of Canongait, Leith and Portsburgh	700	0	0
Boningtoun milns	933	6	8	Houses and chope rents	1,767	2	4
Borrow Loch	800	0	0	Silver deutie	81	0	0
Fleshers of Edinburgh	200	0	0				
South Links of Leith and house ther	203	6	8		85,464	11	9

Victwall rent, 307 bolls 1 firlott 2 pecks bear.

Edinburgh, the eighteen day of May j^{m} vj^{c} nynty tuo yeares. This is the trew list of the comon good given up, upon [oathe,] by us, undersubscriveing, to the best of our knowledge. *Sic subscribitur:* Ard. Mure, prefectus; John Robertson, baillie; Pat. Johnstoun, baillie; Michael Allan, d. gild; Henry Ferguson, theasurer; Ja. Rocheid, clerk.

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* This item appears to have been excluded from the summation. The total would then amount to 109,130 merks, so that the figures are also erroneous in other respects. Similar instances of inaccuracy occur throughout the Register, and therefore it may be explained that in this print the summations, as well as the different items, are the same as in the MS.

REPORTS, 1692.

EDINBURGH.

Accompt of the Ships of Leith the 17th May 1692.

SKIPPERS OF SHIPS.	BURDEN. TUNS.	VALUE.	SKIPPERS OF BARKS.	BURDEN. TUNS.	VALUE.
Captain James Kendall	90	8000	John Haigs	40	2000
Captain James Simson	120	5000	John Achinmutie	36	1500
Alexander Tait	150	8000	David Riehaye	25	900
Robert Gray	100	6000	Charles Ranie, ane wark		
Thomas Whyt	90	6000	Thomas Hendersone	25	900
Thomas Riddell	100	3500	John Gair	16	500
Thomas Weir	90	3000	John Kay	12	300
Androw Simsone	70	3000	John Sime	30	1000
Alexander Stivenson	130	5000	Gilbert Dick	20	600
James Sutherland	90	6000	Walter Graige	15	500
John Tait	60	4000	Mathew Barton	24	900
James Law	90	6000	William Browne	24	900
John Browne	140	8000	Malcolm Maccalla	30	1200
SKIPPERS OF BARKS.			Alexander Gerve	16	700
John Barr	40	1000	Walter Lesly	14	500
John Mill	15	300			

This is the trew list given in by me. *Sic subscribitur:* Walter Learmont, shor maister.

Accompt of Shiping belonging to the Merchants of Edinburgh for twelve moneths by past.

Kendalls ship twice to Holland, with lead ure and sheep skins.

Simpsons, trade twice to Holland with coalls and wooll.

Alexander Tait, twice to Holland with coalls, at present ane transact ship in France with Canon and Buchan.

Robert Gray, twice to Holland with coalls, sheep skins, and wooll.

Thomas Whyt, twice to Holland with coalls, sheep skins, and wooll.

Thomas Riddell, once to Hamburgh with returns of mumbear, some quantity of brandie, and once to France with returns of wyne.

Thomas Weir, twice to London with coalls and some packs of linnen cloath, quherof the most pairt belonged to Glasgow.

Andrew Simson to London, with coalls and some packs of linnen cloath, whereof the most pairt belonged to strangers, with some packs of drest leather belonging to merchants heir.

George Wood, twice to Holland with coalls and sheep skins.

Alexander Stevinsone, twice to Amsterdam with coalls.

James Sutherland, once to Hamburgh with returns of mumbear and some brandie, and now at Spain.

John Tait, imployed by the publict at Innerlochie.

James Law, once at London with shouldiers, being balanced with coalls.

John Brown, once to Bilbo and not yeit reteired.

Item, thrie Swades or Damask ships, in all thrie hunder tunns, with wynes from France.

Item, three ships belonging to the merchants all lost comeing from France with wynes.

Item, as to the consumption of malt, the same is computed to be about 500 bolls per week.

Item, to the trade with the barks the same is all inland trade with corns and coalls, except two barks who are at present in the Sound with herrings on the merchants accompt.

Edinburgh the [18] May 1692 yeares. The whilk day, the present magistrats of the good town of Edinburgh and their toun clerk, haveing mett with James Fletcher, provost of Dundie, Alexander Walker, baillie of Aberdeen, John Mure, provost of Air, and Mr James Smalet, provost of Dumbartoun, commissionars appointed be the generall convention of royall borrowes holden at Edinburgh the eight day of Jully j^m vj^c and nyntie one yeares, for visiteing the haill royall burghs of the kingdome of Scotland, they did give in ane accompt of the patrimonie and comon good of the good toun, with ane ansuer to the rest of the saids visitours instructions as follows :—

(1) As to the first article its answered that the comon good of the said burgh will extend *comunibus annis* to the sowme of eighty five thousand four hundreth and sexty four pownds elleaven shillings and nyne pennies, and that ther debts amounts to seaven hundreth seaventie one thousand Scots of principall soume.

(2) As to the second article its ansuered that they are not concerned therein.

(3) As to the third article, its answered that they have no mortifications that eases the burgh of any publict burthens but that they are applyed conform to the will of the respective mortifiers.

(4) As to the fourth article, it is ansuered that they are not concerned therein.

(5) As to the fyfth article, it is answered that the magistrats have produced to the saids visitors their theasaurers books for fyve preceding yeares.

(6) As to the sixth article, it is answered that the magistrats have given in a particular accompt to the saids visitors of their trade both forraigne and inland, as also what French wine, seck, brandie, and malt they vent and consume yearly.

(7) As to the seaventh article, it is answered that the saides magistrats have also given in a particular accompt to the saids visitors of what ships and barks they have belonging to them, ther burden, value, how imployed and by whom.

(8) As to the eight article, it is answered that the saids magistrats shall at the nixt convention of borrowes give in a particular answer by ther commissioner to that article.

REPORTS, 1692.

EDINBURGH.

(9) As to the nynth article it is answered that ther cess is payed by tax on ther inhabitants.

(10, 11) As to the tenth and elleaventh articles, it is answered that all contained in these articles are mantained and supported out of the comon good.

(12) As to the twelfth article, it is answered that the saids magistrats have given in a particular accompt of the rentall and conditione of ther houses in a peaper

(13) As to the thretteenth, it is answered that they have two yearly fairs, the emoluments whereof are given to ther officers, and that each are of eight dayes containwance, and one weekly marcat.

(14) As to the fourteenth article, it is answered that they have the burghs of barronie and regalitys followeing, viz., Dalkeith, Musleburgh and Fisheraw, whose trade is nottourly knowen, but Dalkeith is supposed to have more than the other two.

PERTH.

BURGH OF PERTH.

Accompt of Charge and Dischairge of the comon good of the burgh of Perth, given up be the magistrats and toun clerk therof to the visitors of the royall borrows, in obedience to the act of borrowes the ninth Jully j^{m} vj^{c} nyntie one years.

Charge.

	£	S.	D.
Imprimis, the four ports of the town and bridge of Earn, yearly 2500 lib. Scots, inde breviter	2,500	0	0
Item, the four milns, tuo Inches and fishings . . .	3,300	0	0
Item, the weyhouse, pynorie and pecks, postmastership, anchoradge, cess boll, fish and flesh boords . . .	800	0	0
Item, the comon mure	66	13	4
Item, of fearm and teynd bolls twenty four chalder, nyne bolls, two firlotts, three pecks, att 100 marks per chalder is .	1,640	14	0
Summa, charge	8,307	7	4
Which £8307, 7s. 4d. of charge being compared with the £9346, 0s. 6d. of dischairge, declare the dischairge exceeds the charge in	1,038	13	2

Discharge.

	£	S.	D.
Imprimis, paid to ther ministers yearly of silver stipend 1300 lib. and eight chalders of victwall at 100 marks per chalder, inde in all	1,833	6	8
Item, to the schoolmaster, doctor and precenter . .	538	13	4

REPORTS, 1692.
PERTH.

	£	s.	d.
Item, the annual rent of the principall soume of 81,862 marks 6s. 8d. resting be the toun to ther creditors is . .	3,274	0	6
Item, of yearly pensions to advocats, agents, toune clerk, fischall, post, and others	500	0	0
Item, for the eique, borrow dewes, and commissionars chairges to parliament and borrowes	800	0	0
Item, to the four officers, drummer, pyper, for ther cloathes and yeirly sallarie	400	0	0
Item, debursed for publict works	1,400	0	0
Item of contingent chairges be the magistrats yeirly . .	600	0	0
Summa discharge	9,346	0	6

Perth the twenty one day of August j^{m} vj^{c} and nyntie one yeares. The verity of the accompt of charge and discharge of the comon good of the burgh of Perth respective above wryttine is attested, conform to act of borrows, by us the magistrats and clerk undersubscryveing. *Sic subscribitur:* G. Oliphant, provost; James Cree, baillie; D. Monteith, baillie; Alex. Hay, baillie; Walter Fechney, bailly; Ja. Oliphant, clerk.

Accompt of the regalities, barronies, and other unfree places within the shireffdome of Perth, given up be the magistrats of Perth to the visitors of the royall borrowes, in obedience to ther fourteen act, the nynth day of Jully j^{m} vj^{c} nyntie one years.

	LIB.
The regality of Aberneathie, of trade yearly . . .	4,000
The barrony of Forgundenij	1,000
The barronie and toune of Donying	4,000
The burgh of barronie of Ochterairdour	1,000
The burgh of barronie of Blackfoord	500
Regality and city of Dumblane	8,000
The stewartry and city of Doune	8,000
The towne of Muthill	1,000
The stewartrie and towne of Creiff	6,000
The towne of Foulis Wester	1,000
The toune of Killine	1,000
The toune of Kenmore	1,000
The towne and regality of Logerate	2,000
The city of Dunkeld	12,000
The burgh of regality of Ochtergaven	1,000
The towne of Meikleour	[500]
The regality of Coupar of Angus	8,000
The towne of Elioth	4,000

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PERTH.

	LIB.
The towne of Kinrossie	500
The towne of Migle	1,000
The toun of Arroll	2,000
The toun of Longforgund	1,000
The toun of Scoone	1,000
The burgh of barrony of Bridgend of Tay	1,000
Summa	70,500

Accompt of the other losses the burgh off Perth hes sustained of lait by and attour ther loss of trade by the forsaides regalities, barronies, and other unfree places within ther precincts.

	LIB.
Imprimis. In March 1676 the most considerable burgesses of the burgh being persewed befor the lords of privie councill by Sir Patrick Thriepland, ther lait provost, for outing of him from his provostship, they were fynet and put to the expences of at least	20,000
Item. In anno 1679 such of the inhabitants as then inclyned to incouradge trade at the place haveing caused build ane new ship at Rotterdam, called the Eagle of Perth, and haveing bestowed upon her and her loadening to the value of 20,000 lib., all was cast away both ship and goodes at Taymouth in her first voyadge homeward, inde	20,000
Item. In anno 1681 the inhabitants, for ther farder incouradgement of trade, haveing again caused build ane other new ship at Leith, called the Eagle of Perth, and after two or thrie voyadges made therwith the owners therof haveing loadening her to Holland, George Fergusone, ther skipper therof, runne away with her and her loadening and never returned from Virginia again, to the value at least of	10,000
Item. Since the merchants of this place had ane shipe fraughted with Hollands goodes comeing from Rotterdam to Perth, and by ane stress of weather was driven in and sunk at Cockkenzie, wherby the merchants sustained of loss at least to the value of	4,000
Item. Their rests to the towne and inhabitants therof by ther Majesties forces in annis 1689 and 1690 upwards of eighteen thousand marks, conform to the particular verified accompts therof given to the lords of privie councill, and wherof as yeit ther is no allowance nor payment made nor granted, inde	12,000

And this by and attour many other accidentall losses sustained by the burgesses, and the many and sewerall ruinous lands and decayed houses within the said burgh of Perth, and which the magistrats of Perth heirby recomends seriously

Reports, 1692.

Perth.

to the visitors and intreats that they may make report thereof and of the forsaids losses to the first meeting of the royall borrowes that at least this burgh may be eased of ther taxt roll.

Burgh of Dundie.

Dundie.

Charge.

	LIB.	S.	D.
Imprimis, the towns milns, yearly	722	0	0
Item, the pettie customs, yearly	940	0	0
Item, the flesh and fish stocks, yearly . . .	80	0	0
Item, the postmastership, yearly	36	0	0
Item, a years rent of the anchoradge and shoresilver .	80	0	0
Item, a years of the ten pennies on ilk stipend of malt .	26	13	4
Item, a years rent of the salmond fishing . . .	180	0	0
Item, a years of the midding lairs at the east and west ports	18	0	0
Item, a years rent of lim potts and grass at the east port .	3	8	8
Item, a years rent of the pack hous and pack hous yeard .	500	0	0
Item, a years rent of the hacksters stands . . .	10	0	0
Item, a years rent of the viccaradge . . .	60	0	0
Item, a years rent of the flesh shambles . . .	120	0	0
Item, the few duty of the Balgayes salmond fishing . .	4	0	0
Item, the few duty of the booth under the tolbooth and behind it	40	0	0
Item, the few duty of Mr Auchinleks yeard . .	8	0	0
Item, a years few rent of Androw Nicolls hous at the east port	8	0	0
Item, payed yearly to the toun for the head rowmes .	5	12	0
Item, the pettie impost of wyne	50	0	0
Item, a years rent of the lands of Logie . . .	457	18	0
Item, a few duty out of David Scot in Balhungie his shop .	1	10	0

Discharge.

Imprimis, resting be the toun of Dundie to severall persons by bond, the sowme of 38,253 li., which payes of annual rent yearly	2,295	3	8
Payed to the laird of Fentrie of few duty yearly . .	100	0	0
Payed to the parson for his house rent . . .	100	0	0
To the towns two stipendarie ministers . . .	1,566	13	4
To the clerk deput, advocat, his servant, postmaster of Edinburgh, and other officers	286	0	0
To the master of the grammar school his two doctors and janitor	366	13	4
To the knocksmith of fie	91	0	0
To the precenter	20	0	0

REPORTS, 1692.

DUNDIE.

	LIB.	S.	D
To St Leonards colledge for tuo bursars . . .	144	0	0
To the gild officer, toun officers, drumer, pyper, and ther cloathes	587	0	0
To the hospitalls maister for the grass above and beneath St Francis well	42	6	8
To the kirk theasaurer for a years rent of a booth . .	24	0	0
To a few duty to the poor out of the grammar schooll .	2	13	0
To a few duty to the laird of Lundie 5 lib. and to John Peirsons airs 2 lib. 10s., inde	7	10	0
To eique monie	147	0	0
To the writing master	133	6	8
To a ground anwall out of the castell milns . .	13	6	8
Item, commissioners expences to the generall convention of borrows yeirly	120	0	0
Item, of borrow dewes the last year . . .	251	12	0
Item, commissioners expences to the particular convention of borrows			
Item, commissionars expences to the parliament . .			
Item, for mantaining the honour of the good town in waiting on noblemen and others in whom the burgh is concerned .	1,200	0	0
Item, to a few duty out of the touns milns to the Earle of Lauderdaile	66	13	4

This above accompt, being the chairge of the comon good of the said toun and the other padge being ther dischairge, is the just and trew accompt of the condition of the said burgh, given up by the magistrats and town clark upon oath to the visitors appointed by the royall borrowes for that effect, and is subscribit by the saids magistrats and clerk day and place forsaid ; and the magistrats doe declaire that the brewars haveing considered the low condition of the burgh and the increasing of ther debts by reasone of the extraordinarie emergents, the brewars have in October last granted a voluntarie contributione and impositione to be payed be them to the toun of ten shillings Scots upon each boll malt for support of the burgh which is only to continow dureing the brewars pleasours. *Sic subscribitur :* Ja. Fletcher, provost ; John Scot, baillie ; Patrick Yeaman, baillie ; William Watsone, baillie ; Ja. Wedderburn.

Ane accompt of the masters of ships names and ther burden of ther veshells belonging to the burgh of Dundie.

	TUNNS.	VALUE.		TUNNS.	VALUE.
Alexander Wedderburne, his ship . .	200	800	Thomas Abercrombie, his ship . . .	90	300
John Marr, his ship .	100	400	Androw Smitton, his ship	80	200

	TUNNS.	VALUE.
John Reid, his ship	60	150
David Ramsay, his ship	60	50
William Fairweather, his ship	50	150
William Donaldsone, his ship	40	50
William Watt, his ship	50	100
Alexander Duncan, his ship	36	80
John Donaldsone, his ship	36	80
Robert Rankine, his new ship	50	120
The old bark belonging to him	30	80
James Burgh, his ship	60	100
David Machan, his ship	35	50
Patrick Gray, his ship	30	50
Thomas Ross, his bark	24	40
William Lyell, his bark	24	50
George Patersone, his bark	16	30
John Ramsay, his bark	10	20
William Buck, his bark	10	20

Note of burghs of barronie and regality to the burgh of Dundie.

	LIB.	S.	D.
Imprimis, the Hill of Dundie trads to the value of . .	10,000	0	0
Item, the Ferrie Partancraigs, in passage boats, shiping and trade	20,000	0	0
Item, the towne of North Ferrie	4,000	0	0
Item, Munyfuith, Barrie, and Panbryd . . .	6,000	0	0
Item, Glamous trades to the value of . . .	2,000	0	0
Item, Kerremure trades to the value of . . .	10,000	0	0
Item, Alyth trades to the value of . . .	15,000	0	0
Coupar of Angus trades to the value of . . .	20,000	0	0
Miglie and Newtyle	2,000	0	0
Forgan and Ballegerno	3,000	0	0
Erroll	8,000	0	0

Note of the touns losses.

At law with my Lord Lauderdale for 7 years . .	20,000	0	0
For building and rebuilding the bulworks of the toun . .	20,333	6	8
Item, for cutting the loch of Lundy for water to the milns .	333	6	8
James Davis ship and loadening lost at sea to the value of .	5,000	0	0
Robert Rankine ship, called the Concord, and goodes to the value of	20,000	0	0
Ane other ship and goodes belonging to the said Robert lost sex years thereafter	15,000	0	0
Item, another ship of his strandit at Aberdeen lost . .	4,000	0	0
Thomas Patersone ship and goods lost, valued at . .	6,000	0	0
George Adamsons ship lost	4,000	0	0
Alexander Wedderburns ship with a burdean and loading .	5,000	0	0
John Frasers [ship] and goodes lost to the value of . .	6,000	0	0
William Watts crear	4,000	0	0
Robert Smith loadened from the Lewes . . .	2,000	0	0

Reports, 1692.

Dundie.

Accompt of expences be the toun in fortifieing the same.

	LIB.	S.	D.
Imprimis, debursed be James Bonar, theasaurer, per accounts and precepts	3,092	19	5
Item, to William Dumbar for express	68	19	0
Item, payed to him by James Lyon for express	104	0	0
Item, to bailly Blair for powder	165	0	0
Item, for 16 muskets to Robert Watsone	46	8	0
Item, for candle to guards	166	4	2
Item, for dressing the touns armes	66	13	4
Item, to John Robertson for 20 fyrelocks at 6 lib. per peice	120	0	0
Item, to Mr Hugh Safely for attending the gunns	29	0	0
Item, to measons for repairing the tolbooth and ports	439	0	0
To Thomas Doig for a pair of wheells to the great guns	19	0	0
To John Wardroper for oil to the carriadges	8	4	0
To John Ferrier for lead as per accompt	6	19	0
To severall other persons for small necessars for the gunns	7	17	0
For powder to severall persons	42	18	0
To James Yeaman and John Reid for powder	42	10	0
For mantaineing some wounded men after Ranrory	37	4	0
Paid at London for powder, ball, match, and shools, 68 lib. 5s. 7d. sterling	819	7	0
To Joseph Smitoun for ther fraught from London	57	13	4
To John Reid for timber and others paid by James Lyone	95	10	0
Paid by Androw Smitoun for the guards express and fortificationes	866	4	0
To bailly Scrymsour for ball	25	0	0
For the provost and Baillie Douncan, ther express in going to London in January 1689, for presenting the greivances of the burgh to his Majestie	1,626	0	0

Burgh of Aberdeen.

Aberdeen.

Ane accompt of state of Aberdeen as it is given up the (*blank*) day of September 1691 to the commissionars appointed by the royall burrowes by the magistrats and toune clerk of the said burgh.

Debitor.

The few duties of the said burgh, as per accompt	711	8	10
To the tack duty of the touns milns	800	0	0
To the tack duty of the packhouse and weighouse	700	0	0
To the tack duty of the pettie customes	390	13	4
To tack duty of bell customes	800	0	0

	LIB.	S.	D.
To tack duty of the flesh stands	103	6	8
To tack duty of small imposition on fleshes	80	0	0
To the duty of some shops under the tolbooth	32	0	0
To the duty of the dead hand bell	26	13	4
To mony receaved for mort cloaths	104	0	0
This is the comon good of the town	3,748	2	2

Imprimis the annual rent of 112,755 lib. 9s. of principall resting be the toune as per accompt	6,765	6	6
The debursements on the gild hospitall as by accompt yearly over and above what is mortified to them yeirly	180	6	8
To mony payed for the touns eiquie is	256	4	8
To the ministers stipends yearly	2,305	1	4
To the master of the musick schooll, yearly, is	266	13	4
To the precenter and reader in the new kirk, yearly	106	13	4
To mony paid for reading and saying of prayers is	86	13	4
To monie paid for reading and precenting in Fittie	40	0	0
To ane doctor for waiting on the sick poor	60	0	0
To our principall clerk of yearly sallarie	214	13	4
To our wnder clerk of sallarie	133	6	8
To our advocat ordinar of yeirly sallary at Edinburgh	133	6	8
To his servants is	11	12	0
To our touns consulter of sallary yearly	133	6	8
To our touns procurator and consulters servants	49	0	0
To our touns chamerlane of yearly sallary is	266	13	4
To our agent at Edinburgh yearly	133	6	8
To our touns officers yearly	100	0	0
To our toune clerks servants yearly	60	0	0
For ringing the tolbooth bells and attending the clocks	100	0	0
To the executioner and scourger yearly is	90	0	0
For ringing the kirk bells is	80	0	0
Summa of the forsaid yearly sallaries is	11,578	4	6

CASUALL DEBURSEMENTS.

Per mony to commissioner and assessor at parliament; to commissioner of borrowes; to advocats and writers in Edinburgh in the annwall affairs extraordinar; for maintaineing the calsies in and about the towne; debursed by the magistrats in goeing about the towns affairs; for interteineing noblemen, gentlemen, and officers of the armie; for maintaine-

ABERDEEN.

ing the council house, tolbooth, and kirks and other publict houses; for port of letters and touns expresses; to our officers.

At Aberdeen, the eight September 1691 yeirs. The above accompt, being the charge of the rents of the toune of Aberdeen with the accompt on the other padge being the dischairge, is the just and trew accompt of the comon good and debts and conditione of the said burgh, given up by the magistrats and clerk upon oath to the visitors appointed by the royall borrowes for that effect, and the saids magistrats and clerk have subscrivet the samen day and place forsaid. *Sic subscribitur:* W. Cochrane, provost; John Moir, baillie; Al. Walker, baillie; Pat. Gellie, baillie; Walter Robertsone, baillie; John Moir, toune clerk.

It is to be minded since the imposition of ther malt was taken away they runn on yeirly in debts betuixt 7 or 8000 lib., which without some remead they are not able to subsist, and being interrogat by the visitors what method the magistrats and councill take for advancing the balance betuixt their charge and discharge, they give accompt that they are forced to intromett with the mortificatione monie to defray the present necessity and to support the government, haveing alreadie borrowed soe much that they can not have credit, and now their debts accumulatts to the hospitalls, and in a short tyme will swell soe high that the toune will be utterly ruined.

BURGH OF STIRLING.

STIRLING.

Stirling, the elleaventh day of May j^{m} vj^{c} and ninety two years, compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed be the convention of royall burrowes for visiting the wholl royall burghs be south and be west the rivar of Forth, the present magistrats and toun clerk of the said burgh of Stirling, and gave in ane accompt of ther patrimonie and comon good, together with ane ansuer to the saids visitors instructions as followes:—

1. As to the first article, its answered that ther comon good will amount to, *comunibus annis*, fyve thousand four hundred and fourty seaven pounds four shillings tuo pennies Scots, and that ther detts extends to 41,608 pound two shillinges eight pennies of principall soume.

2. As to the second article, its answered that they have no mortificationes but what is applyed for the gild and trade hospitalls and the poor of the burgh and does nowayes ease the same of publict burthens.

3. As to the third article, its answered that they are nowayes concerned therein, haveing Stirlingshire measour.

4. As to the fourth article, its ansuered that Alloway is there nearest and most convenient harbour for loading and unloading ships of any burthen, ther nearest royall burgh haveing a sea port is Queensferry, and that they are necessitat to bring ther goodes to ther harbour by lighters that draw not above 5 foot of water.

5. As to the fyfth article, its ansuered that they have produced ther

theasaurers bookes for fyve preceding years, and that the saids visitors have found by the saids bookes ther theasaurers to have been considerably supperexpended each year, and that ther eiquies with clerks and other dewes amounts to sexteen pound Scots which is annwally payed.

6. As to the sixt article, its answered that there forraigne trade of export and import will not exceed 20,000 markes of stock yearly but is within it, and that they have no Inland trade, and that the retaill of their shops is inconsiderable, not exceeding 10,000 marks yearly in the haill, and that they vent and retaill about ten tunns of French wine yearly, including seck and brandie, and that they vent and consume ane hundreth bolls malt weekly.

7. As to the seaventh article, it is ansuered that they have two galliots belonging to them, about threty tunn a peice and 1000 marks each of value, which are for the most pairt imployed by others, and that they have no other ships, barks, or boats, belonging to them.

8. As to the eight article, it is answered that they are neither owners nor pairtners of any ships, barks, or boats belonging either to burghs of regality or barrony, nor are they concerned in matters of trade with unfree burghs.

9. As to the nynth article, its answered that ther cess is payed by a mark on the boll of malt which also helps to defray other publict burthens.

10. As to the tenth article, its ansuered that their first minister hes ane hundreth pownds, the second minister seaven hundreth marks, ther schoolmaster four hundreth marks, all out of the comon good, and that all other ther publict servants are payed out of the same.

11. As to the elleaventh article, its answered that all ther publict works (save ther hospitalls) are mantainit out of the comon good.

12. As to the twelth article, that the most pairt of ther houses are inhabited by ther respective heretors, and that the rent of the best in the toune will not exceed 100 marks and the worst will be fourty shillinges.

13. As to the threteenth article, its answered that they have four yearly fairs, each of one dayes containwance, and a weekly marcat, the customes of all which are a pairt of ther common good as in ansuer to ther first article.

14. As to the fourteen article, it is answered that they have within ther shire and others adjacent the burghs of regality and barrony followeing, viz., Falkirk, Kilsyth, Bathlivie, Alloway, Downe, Dumblane and Airth, who have a considerable trade and are very prejudiciall to them. Ther houses are in a good conditione and sett at a better rate then many in ther burgh.

15. As to the fyfteenth article, it is answered ther are no soumes of mony resting to the towne, and ther fewes of houses, burgers admissions, &c., are a pairt of ther comon good. Ther bloodwitts are imployed for the magistrats particular use, and they have no cess bookes.

This is the true accompt of the state and condition of the burgh of Stirling, in answer to the abovewryttin instructions, as it is given up upon oath by the

STIRLING. magistratis and toune clerk undersubscryveing to the best of ther knowledge to the saids visitors day and dait forsaid. *Sic subscribitur:* John Harley, baillie; Thos. Wordie, baillie; D. Moir, baillie; Ja. Norie, clerk.

Nota. It is to be remembered that ther is twentie three thousand two hundreth thirty and three powndes six shillings eight pennies due be them to ther hospitallis. The annual rentis therof hes not been payed since the 1680 yeir.

BURGH OF LITHGOW.

LINLITHGOW. The twelth day of May jm vjc and nyntie two yeares, compeired before James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionaris appointed be the convention of royall borrowes for visiting the wholl royall burghs be south and west the river off Forth, the present magistratis and toun clerk of the said burgh of Linlithgow, who gave in ane accompt of ther patrimonie and comon good, together with ane answer to the saids visitors instructionis as follows:—

1. As to the first article, its answered that ther comon good, *communibus annis,* will extend to two thousand and eight hundreth pounds Scots, and that their debts amount to 18,235 lib. 6s. 8d. of principall soume.

2. As to the second article, its answered that they have no mortificatione.

3. As the third article, it is answered that they are not concerned therin.

4. As to the fourth article, it is answered that a certain number of the lords of councill and sessione, with sewerall skilfull and intelligent skippers, did visit ther own pairt of Blacknes belonging properly to them, and found the same alltogether unsufficient and unsecure, and which the saids visitors have lyckwayes seen and considered.

5. As to the fyfth article, it is answered that they have produced ther theasaurers bookes for fyve proceeding years, and that the ballance of the last years accompt oweing be the theasaurer amounts to 187 lib. 14s. 6d., and that ther eiquies with clerks and other dewes amounts to 64 lib. 14s. 8d.

6. As to the sixt article, its answered that ther forraigne trade, both of export and import is very inconsiderable, and that they have no inland trade in gross except about 10,000 weight of tallow and 1600 or 1800 sheep skines or thereby, yearly, and that the retail they have by ther shopes they cannot positively condescend on, but against the nixt meeting of borrowes they shall inform themselves more particularly and give their report therof by ther commissioner to the convention, and that they have vented and consumed about tuo tunn of French wine, seck and brandie, yearly, these fyve years bygone, and that they consum about three scoir bolls of malt or therby weekly.

7. As to the seaventh article, its answered that they have no ships, barks, boats, or ferrie boats belonging to them.

8. As to the eight article, it is answered that they have only five or six of

ther burgers and inhabitants that have interests in ships, and the masters therof are freemen and obleidged to reside with them conform to the act of borrowes; and these masters being examined upon oath by the saides magistratis whether or not they hade any unfreemen pairtners with them in these veshells, answered that they being surprized could not satisfie them therin at that tyme, but desired that they have four moneths tyme to consider on it, that if there were any unfreemen concerned with them they might take them of befor the term forsaid, and that they are not concerned in matter of trade with unfree burghs.

9. As to the nynth article, it is answered that ther cesses was payed formerly out of the impost on the malt, but since the discharge therof it has been still payed by a tax on the inhabitants.

10. As to the tenth article, it is answered that ther first minister is payed out of the teynds of the parish, ther second minister by tax on ther inhabitants, and ther schoolmaster, precenter, and all other ther publick servants are payed out of ther comon good.

11. As to the elleaventh article, it is answered that a part of there church and all ther other publick works are supported out of the comon good.

12. As to the 12 article, it is answered that the rents of ther houses will be tuixt 100 lib. and four pounds Scots, and that the most pairt of them are inhabited by ther respective heretors, and that they have few stranger inhabitants.

13. As to the threteenth article, it is answered that they have six yearly fairs of two dayes continwance each and a weekly marcat, the customes of all which are a pairt of ther comon good as in answer to the first article.

14. As to the fourteenth article, it is answered that they have within ther precinct and adjacent to them the burghs of barronies and regalities followeing, viz., Borrowstounes, Grangepanns, Kirklistowne, Torphichen and Bathgate, all which are highly prejudiciall to ther trade both outland and inland, particularly Borrowstounes and Grangepans whose houses are in a better conditione and sett at a higher rate then many of ther burgh, besides the great prejudice they have by a number of villages and kirktowns within ther precinct and adjacent to them, who wrong ther trade by venting aboundance of staple comodities to the countrey.

15. As to the fifteenth article, that ther fewes of lands and houses are reckoned with the rest of ther comon good, as also that ther burgers freedomes and ther fynes are inconsiderable and imployed for the publick use also, and there stent and cess is stented four shillinges monethly upon the twenty pownd of rent, and there trade is stented according to the discretione of sworne men, and that they put six shillinges monethly upon each twenty pownd land rent.

This is the true accompt of the state and condition of the said burgh of Linlithgow, in answer to the abovementioned instructions, as it is given up upon oath by the saides magistratis and toun clerk wndersubscryveing to the best of ther knowledge and surest information they can have to the saids visitors day and

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LINLITHGOW.

dait forsaid. *Sic subscribitur:* Robert Trunbull, provost; Will. Heggins, baillie; J. Hunter, baillie; James Wawch, baillie; Robert Clerk, baillie; Geo. Inglis, clerk.

BURGH OF ST. ANDREWS.

ST ANDREWS.

16 September 1691. The rentall of the patrimonie of the towne of St. Andrews, consisting pairtly of malt, bear, and ground anwalls, extends per annum to two thousand pownds Scots.

Accompt of what is payed yeirly out of the patrimony of St. Andrews.

Imprimis, to the minister for his stipend	866	13	4
Item, to the master of the gramar schooll . . .	166	13	4
Item, to the precenter	53	6	8
Item, the provost and theasaurers sallaries . . .	40	0	0
Item, payed to the archibishop, now to the King, for the teynd of the north and south haughs and for the few of the milns	120	0	0
Item, to the clerk commissions, his fie, and others . .	66	13	4
Item, misive dewes, equies, and commissionars charges . .	166	13	4
Item, to the drumer and officers for ther fie and cloaths .	200	0	0
Item, repairing and keeping up the milns yearly, calsies, and other publict works	200	0	0
Item, for repairing and keeping up bridges, gramar schooll, kirk, and others	300	0	0
Item, the annual rent of the poors mony, conform to infeftment, the principall being 8000 merks . . .	266	13	4
Item, the annualrent payable to the sea box . . .	32	0	0
Item, the annualrent payable to John Mortons airs . .	32	0	0
Suma	2510	13	4

And all this besides extraordinary expences incident to the toune and at publict occationes, and besides the commissionars expences to parliament and sewerall other things, and besides what other debts are resting by the toun to sewerall persons which the present magistrats doe not yeit know.

At St Andrews the 16 September 1691. The forsaid accompt of the patrimony of the said citie of St Andrews, as it is given up in charge and discharge in maner abovewryttin, the charge being two thousand pounds Scots and the discharge being tuo thousand fyve hundreth and ten powнds thretteen shillings four pennies mony forsaid, is just and trew, and which is attestit by us wndersubscryvers, the present magistrats of the said city, day and place forsaid, upon oath. *Sic subscribitur:* James Smith, baillie; George Rymer, baillie; Alex. Ferrier, baillie; Will. Jack, clerk deput.

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Burgh of Glasgow.

Glasgow.

Glasgow the sixth day of May j^{m} vj^{c} nyntie two years. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed be the royall borrowes for visiting the wholl burghs royall be south and west the river of Forth, the present magistrats and toune clerk of the burgh of Glasgow, who gave in ane accompt of ther patrimonie and comon good, together with ane answer to the saids visitors instructions as follows :

1$^{mo.}$ As to the first article, it is answered that ther comon good will amount to, *comunibus annis*, to the sowme of sexteen thousand nyne hundreth and tuo pounds Scots, which is expended as in the 10th article and conform to a particular accompt given in by the saids magistrats, and that ther debts extends to ane hundreth and seaventy eight thousand eight hundreth pounds Scots principall and annual rents.

2$^{do.}$ As to the second article, it is answered that they have no mortificationes but what hath been mortified for the mantenance of poor people and children, and that the towne is nothing eased therby.

3$^{tio.}$ As to the third article, it is answered that they are not concerned therein.

4. As to the fourth article, its answered that they are not concerned therein, haveing a port of ther owne.

5. As to the fyfth article, it is answered that they have produced ther thesaurers compt books for fyve preceeding years, which the saides visitors have at length considered, and that the ballance for the said fyve yeares makes them supperexpended in the sowme of fourteen hundreth threttie four pounds six shillinges seaven pennies, and that ther eiquies with clerks and other dewes extends to ane hundreth and fyfty pounds Scots which is anwally payed and mentioned in the accompt given in by themselves.

6. As to the sixt article, it is answered that ther forraigne trade of export and import, according to the exactest calculatione they can make, amounts yeirly to the value of two hundred and fyve thousand pownds Scots monie or therby, and that they cannot condescend upon any retailling inland trade they have by ther ships, the most pairt thereof being included in the export and import as aforesaid ; and that they vent and retail about twenty tunns of French wine, twenty butts of seck, and about ten or twelve butts of brandy or thereby, yearly, but the consumption of ther wines is still less or more according as ther price is high or low, and that they vent and consume about a thousand bolls of malt monethly.

7. As to the seaventh article, its answered that they have fyfteen ships, whereof ther are eight lyeing in ther harbour and seaven abroad and eight lighters, whose burthen, value, how and by whom employed, is at length contained in a

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GLASGOW.

peaper apairt given by the saids magistratss to the saides visitors, and have no other ships, barks, boats or ferrie boats belonging to them.

8. As to the eight article, it is answered that they are owners and partners of four ships belonging to unfree burghs, whose burthen, value, how employed, is at length contained in the above mentioned peaper given in by themselves, and ther trade with unfree burghs is condescended upon in the same.

9. As to the ninth article, it is answered that ther cess is payed by a tax on ther inhabitants.

10. As to the tenth article, it is answered that ther ministers, schoolmasters, and all other ther publict servants, are mantainit and payed out of ther comon good, which is at length containit in a peaper apairt given in, including also ther comon good as in answer to the first article.

11. As to the elleaventh article, it is answered that all ther publict works are supported and maintained out of the comon good.

12. As to the twelth article, it is answered that by the decay of trade a great number and many of the best of ther houses are waste, yea that ther is near fyve hundreth houses standing waste and that those inhabited are fallen near a third pairt of the rent they payed formerly, and that ther best and worst will be betuixt ane hundreth pounds (whereof they have not eight inhabited by burgers) and four pounds Scots yearly, except some large taverns.

13. As to the threteenth article, it is answered that they have one yearly fair of fyve or six dayes containwance and three yearly marcats each of one dayes containwance, and a weekly marcat, and that the toun hath no benefit by them.

14. As to the fourteen article, it is answered that they have the burghs of regality and barronie followeing, viz., Hamiltoun, a considerable distance from the sea and soe hath no forraigne trade but a great inland, and most pairt therof from Borrowstouness, and is in a flourishing conditione ; item, Paisly hes a great inland trade and is in a very flourishing conditione ; item, Greenock hes a very great trade, both forraigne and inland, and particularlie prejudiciall to the trade of Glasgow and other places on the river of Clyde by buying portage from skippers and sailors to the value of the tenth pairt of the loadening, and for better effectwating therof they stock the samen out with comodities and goes half profeit with them ; item, Craufurdsdyk belonging to Craufurd of Craufurdsburne and his sone, two burgers and inhabitants of Glasgow,—it hath some trade in furnishing seamen with meat and drink. And that all these burghs are highly prejudiciall to ther trade, a mor particular accompt whereof they shall represent by ther commissioner to the nixt convention of burrows.

This is the trew accompt of the patrimony and comon good of the said burgh of Glasgow, together with the answer to the saids visitors instructions, as it is given up by the saids magistrats wnder subscryveing, who having used their best endeavours by conveening befor them seweralls of ther tradeing merchants best known in the trade of the place, as also they have perused ther councill bookes and theasaurers accompt stated therin for sewerall yeirs bypast, which they have produced to the saids visitors for ther further information therin, the saids magistrats doe heirby declare that the forsaids answers to the saids visitors instructions is the neirest and trewest informatione they could receave and give of the state of the said burgh, as also ther toun clerk hes subscrived the same in soe far only as concerns ther comon good, debts, and debursements. Witness all subscriptions to thir presents, place and day forsaid. *Sic subscribitur*: James Peadie, provest; Wm. Cuming, baillie; Simone Tennen, baillie; G. Andersone, clerk.

The toune of Glasgow for its constant yearly expence :—

Debitor.

To the stipends of 5 of ther ordinarij ministers, each being at 1080 lib. yearly, is	5,400	0	0
To the stipend of the barronie minister	950	0	0
To the master and two doctors of the gramar schooll ther sallary	593	6	8
To the keeper of the toun cloacks yeirly	133	6	8
To few duty paid to the colledge of Glasgow yearly	166	13	4
To the tack duty of the teynds of the barronie	200	0	0
To the sallary of the precentars of the 4 churches	320	0	0
To the sallary of the keeper of the high church	133	6	8
To the few duty paid out of the aikers of the new greenes	66	13	4
To the touns quarter master his sallary	180	0	0
To the townes postmaster	120	0	0
To the doctor, cutter of the ston gravell	66	13	4
To James Porterfield, schoollmaster, of pension	52	0	0
To upholding of the great church and other churches	666	13	4
To coall and candle furnished to the toun guaird	800	0	0
To the master of works compt about the publick works of the toune	4,400	0	0
To the touns chirurgeon for the poor	133	6	8
To the toun drumers ther pension and cloaths	100	0	0
To the severall ringers of the touns bells	50	13	4
To the servants and keepers of the tolbooth	66	13	4
To the magistrats, theasaurer, master of works, &c., ther yearly fiall	165	0	0
To the clerk's servants yearly	180	0	0
To the officers ther cloaths and pensions	740	0	0
To the touns agent at Edinburgh his sallarie	100	0	0
To the yearly news letters and gazetts	60	0	0
To the touns eique and eique of Provand	180	0	0
	15,994	6	8

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GLASGOW.

The toun of Glasgow creditor by ther wholl comon good :—

By the duty of ther milns valued one year with another yeirly	5,333	6	8
By the duty of ther ladles	2,333	6	8
By the duty of ther pecks	566	13	4
By the deuty of ther tron	500	0	0
By the deuty of ther bridge	733	6	8
By the fourth pairt of the Gorball teynds	200	0	0
By ther walk milne			
By the drawen teynds about the toun	800	0	0
By the rent of the barronie of Provand	3,333	6	8
By ther 4th pairt of ther Gorball lands	666	13	4
By sewerall small ground anwalls	400	0	0
By their miln lands	133	6	8
By the rent of Petershill	66	13	4
By their comon lands	72	0	0
By their two greens yearly	1,000	0	0
By the flesh marcat	200	0	0
By the royall companies house free	180	0	0
By the correction house and yeard	50	0	0
By burges fiynes yeirly one year with another	333	6	8
	16,902	0	0

Ther are lyckwayes some houses and sallaries at Port Glasgow, but by reason of the great decay of trade ther is nothing gott for them, yea not soe much as it cost the toun in upholding them. The forsaid expence is by and attour the many annuelrents they are obleidged to pay yearly for the vast sowmes they are indew, as lyckways over and above ther cesses and missive dewes of the burrowes, as also the support of the government ; all which, with the contingent charges of pleyes and debats of law, amounts to a very great expence wnder which this poor place cannot subsist. *Sic subscribitur :* James Peadie, provost, G. Anderson, clerk.

Accompt of Ships belonging to the towne of Glasgow for the present at home :—

	BURDEN.	VALUE.
The James; Alexander Stewart, commander	100 tunns,	5000 merks
Elizabeth; John Millar, master	150 „	6000 lib.
Friendship; Archibald Yuill, master	80 „	4000 merks
Lark; Robert Galbraith, master	80 „	6000 lib.
Grissell ; John Taillyer, master	30 „	2000 merks
Amity; Lott Gordon, master	80 „	6000 lib.
James; now bought be George Lockhart	160 „	6000 lib.
Fortoun; Hugh Campbell, lait master	50 „	2000 lib.

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GLASGOW.

Ther are about eight lighters belonging to the toun, keeped for the most pairt by the merchants for ther own use and carieing coalls, wherof otherways they have no profit.

Accompt of shipps belonging to the toun of Glasgow for present abroad and are uncertain of ther home comeing because of the warr, and the owners declair they are content to take ther stocks imployed in the voyadges :—

The Concord, George Lyon, master . . .	150 tunns,	5000 lib.
James of Glasgow, James Wilson, master . .	80 „	1800 „
The James	36 „	1000 „
The William and Marie, belonging to George Lockhart and partners	36 „	1000 „
The Margaret, belonging to James Walkinshaw and partners, burden	50 „	1400 „
The Robert to Hugh Montgomerie . . .	70 „	2000 „
The small yaught to James Gibsone . . .	30 „	1000 „

Accompt of some ships wherof some of the merchants of Glasgow have parts as followes :—

William Marshall, merchant in Glasgow, is a sixteen pairt owner of a ship of the burden of 150 tunns; Robert Williamsone, master, and freeman in the toun of Linlithgow.

John Leckie, merchant, is a twelth pairt owner of a ship of the burden of 150 tunns, being 28 years old, Edward Hodge, master, and freeman in Linlithgow.

George Hendersone, John Robertsone and Peter Napier, each of them are sexteen pairt owners of ane ship of 200 tunns, James Robiesone, master.

The John of Greenock, burden 130 tunns or thereby, valued at 8000 marks; the half whereof was laitlie bought by two merchants in Glasgow at ane roup, but they hearing of the lait act of the royall burrows dischairgeing ther haveing any partnership with unfreemen in shiping they stopt to be any farder concerned therein.

As to trade with unfreemen or unfree burghs there is ordinarily bought of the herrings exported by the merchants of Glasgow above two hunder lasts from Greenock men; as also the far greatest pairt of Hollands comodities brought to this towne from skippers, seamen, and others liveing at Borrowstounness, and other places upon that coast. *Sic subscribitur :* James Peadie, G. Andersone, clerk.

BURGH OF AIR.

AIR.

Accompt of mortifications belonging to the burgh of Air :—

Imprimis, ane mortification granted by Queen Marii in the year j^{m} [v^{c}] and

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Air.

[lxvii] years of the milnes of Air, appointed for payment of ministers, schoollmasters, and others pious uses, and which is now sett by tack for 257 bolls meal and malt, and is of value, *communibus annis*, at fyve pownd per boll, which extends, yeirlie, to twelve hundreth and eighty fyve pownds Scots, 1,285 lib.

Accompt of rents belonging to the burgh of Air.

Imprimis, of petty small customes, extending *communibus annis*, to eight hundreth and sixty pownds . . .	860	0	0
Item, for a walk milne yearly	60	0	0
Item, of supperplus teind belonging to the toun more then payes the first minister	127	0	8
Item, of rent furth of the barronie of Alloway yeirly nynty one bolls, and one 4th pairt bear and meall, at seaven mark per boll	424	13	4
Item, payed by the said barronie of monie . . .	28	0	0
Item, of dry multurs payable out of the said barrony . .	146	13	4
Item, of few duty payable out of Feirs and Dalkeith, Castlehill, and Craisland	38	18	0
Item, of coble rent for fishing in the water of Air and Don, being some years uncertain	85	6	8
Summa . . .	1770	12	0

Accompt how the mortifications on the other side.

Imprimis, to the second minister	666	13	4
Item, for his house rent	60	0	0
Item, to the master of the gramar schooll . . .	200	0	0
Item, to the doctor of the said school of pension . .	100	0	0
Item, to the Scots schoolmaster of pension . . .	52	0	0
Item, to him as precenter in the church . . .	66	13	4
	1145	6	8
The ballance, being 139 lib. 13s. 4d. is yearly applyed and exhausted by maintaineing of schoolls, church, glass windows and others	139	13	4

Accompts of the rents on the other side how they are yearly applyed.

Imprimis, of pensions yearly to provost, baillies, &c. . .	56	13	4
Item, for the first minister his house rent . . .	60	0	0

Item, of pension to the keeper of the knock . . .	48	0	0
Item, to our agent of yeirly pensione	33	6	8
Item, for the agents expences debursed in the touns affairs yeirly	100	0	0
Item, to the touns advocat of yeirly pension . . .	66	13	4
Item, for keeping the comon hills from sand . . .	66	13	4
Item, to the agent of the borrowes of sallary . . .	133	6	8
Item, to the lockman of pension and cloaths . . .	66	13	4
Item, the yearly annual rent of the sowme of 9000 merks dew to the deceast lieutenant generall Douglas . .	360	0	0
Item, the yearly annual rent of 600 marks dew to Mr William Rankin	24	0	0
Item, the yearly annual rent of the principall soume of 1350 lib. 14s. 4d. per bond to Ferguson, &c. . . .	81	0	0
Item, of expences debursed for maintainance of our harbour, &c.	460	0	0
Item, the commissionars fie to the convention of borrowes imputed yearly to be	200	0	0
Item, for the confirmation of our eiquie with the exchequer .	60	0	0
Suma totalis . .	1816	6	8

The above is by and attour the charges and expences off commissionars fies to parliament and particular conventiones and which is payed by the toune, and by and attour ane other considerable soume of debts which is not above particularized, but extends to the sowme of two thousand pounds, for which the towne is persewed. *Sic subscribitur :* Jo. Fergussone.

Accompt of the burgh of Air ther loss by forraigne trade within these few years.

Imprimis, ane veshell comeing from Bristoll, . .	18,000	0	0
Item, the James ship, burden 120 tunn, and cargo lost upon the coast of Carolina, value	13,333	0	0
William Deans ship in Irving, from Holland, loadened with Hollands goods value	14,000	0	0
Allasons veshell in Irving, loadened with Holland goods, value	9,000	0	0
The ship belonging to Allan of Queensferry, loadened with French goods, salt, and brandie . . .	15,000	0	0
The Swan, now bounded for the West Indies, of 14 tunn, ship and cargo lost, value	9,000	0	0
The ship called the Fortoun, 140 tunns, ship and cargo lost in February last	8,000	0	0

All these are but within these twenty or thretie years, fourty saill of ships wherein the toun were concerned lost. As also it is to be remembered that by the decay of trade and poverty of the inhabitants, the comon good being but mean and casuall, soe that therby the town does contract yeirly of debt. And particularly in the great and vast expences they are put to yearly in the upholding, beating, and repaireing of ther harbour, which are almost altogether ruinous, and before the key can be repaired will coast ten thousand marks, which the visitors hes seen, as also that ther are about ane hundreth and fourty waste houses besides sewerall ruinous houses and particularly tuo great tenements on each syde of the marcat cross both ruinous, one whereof are on each side of the streett.

This is the trew accompt of the patrimonie and comon good and state of the said burgh, which are given by the magistrats and toun clerk substitut undersubscriveing, at the said burgh of Air, the last day of Apryll j^{m} vj^{c} and nyntie two yeares. *Sic subscribitur:* John Osburne, provost, Hew Craufurd, baillie, Jo. Fergusone, clerk substitut.

Air, the thretteen day of Aprill j^{m} vj^{c} and nynty two years, compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissioners appointed be the convention of royal borrowes for visitieing the wholl royall borrowes be west and be south the river of Forth, the present magistrats and toun clerk of the said burgh of Air, who gave in a particular accompt of their patrimony and comon good in a peaper apairt, together with ane answer to the saids visitors instructions as followes :—

1$^{mo.}$ To the first article it is answered that ther common good extends *communibus annis* to the sowme of 1770 lib. 12s. Scots, conform to the forsaid particular accompt given in and subscrivit by the saids magistrats, and that ther debts amounts to 7750 lib. 13s. 4d., conform to the forsaid particular accompt.

2$^{do.}$ As to the second article, it is answered that they have no mortification belonging to them except that of the towns milns which was mortified be Queen Marie for maintainance of ther second minister, schoollmaster, and precenter, conform to the will of the mortifier.

3$^{tio.}$ To the third article, its answered that they are not concerned therin.

4. To the fourth article its answered that they are not concerned therein, having ane harbour of there owne.

5. To the fyfth article its answered that they have produced to the saids visitors ther theasaurers bookes for fyve preceding years which is stated in answer to the first article, and that ther eiquies with their clerks and other dewes will amount to fyve pownd sterling which is annwally payed when they are given in or called for.

6. To the sixt article it is answered that most of the forraign trade they have hade these fyve years bygone are the particulars followeing, viz., four fyfth pairts of the cargo of ane small veshell from Virginia of 70 tunn of burthen or thereby, the fourth pairt of which cargo was sold in Ingland by the master to whom it belonged. Item, three small veshells from Stockholme, with iron.

Item, twenty last of tarr and some few daills from Norway.
Item, about twenty tunns of French wine in another veshell.
Item, another with sexteen peice of canarie, the most pairt of which French wine is alreadie exported to Ireland and no apparent sale for the rest, but the most pairt of what is sold therof is vented to the countrey.
Item, ane other small veshell with suggar from the West Indies.

As also some small trade they have from Borrowstounness to Holland, and that ther inland trade consists for the most pairt of some skins, Galloway plaiden, and cloath they send to Holland, the value wherof they cannot particularly condescend on there trade, and that they have consumed about twelve hogsheads of wine or thereby these three years bygone, and that they consume and vent about two thousand bolls of malt, Air measour, yeirly, the occation it is soe small is the great decay of trade in that place.

7. To the seaventh article it is answered that they have no ships, barks, or boats belonging to them, save a little boat the value of fourty pownds Scots which belongs to one John Campbell.

8. To the eight article it is answered that they are not owners nor partners of any ships, barks or boats belonging either to burghs royall of regality or barrony nor are they concerned in trade with unfree burghs.

9. As to the nynth article, it is answered that ther cess is payed by a tax on the inhabitants.

10. As to the tenth article, it is answered that ther first ministers stipend is payed out of the teynds, and that ther second minister, schoollmaster, and precenter are payed out of the forsaid mortified milns, and that all other ther publick servants are payed out of the comon good as is at more length condescended on in the particular accompt abovementioned.

11. As to the eleaventh article, it is answered that all ther publick works are maintainit and upholden out of the comone good.

12. As to the twelth article, it is answered that a great pairt of ther houses are inhabited by their respective heretors and that the visitors have taken notice of the conditione of the same, and that the rent of ther best and worst will be tuixt fyfty and four pownds Scots yearly and that the rent of the wholl is computed to be about 3671 lib., eighteen shillings, Scots, yearly, and that they have few or non stranger inhabitants, and as to the rent of the wholl they cannot condescend certainly.

13. As to the thretteen article, it is answered that they have tuo yearly fairs, each of tuo days containwance, the customes whereof are reckoned as a pairt of ther comon good in the answer to the first article, and that they will amount about four pownd yearly, and that they have one weekly marcat throughout the wholl year and another weekly marcat for cattell of six weeks containwance each year, and that the customes of this last will amount to about ten pownd sterling and is a pairt of ther comon good and also stated as aforsaid.

AIR.

14. As to the fourteenth article, it is answered that they have about ten burghs of regalitie and barronie within ther precinct which are very prejudiciall to ther trade, a more exact accompt whereof their commissioner shall represent to the next convention.

15. As to the fifteenth article, it is answered that ther casualities are so inconsiderable and uncertain that they cannot condescend on them.

This is the true accompt of the state and conditione of the said burgh of Air in answer to the abovementioned instructions, as it is given up on oath be the saides magistrats and toune clerk wndersubscrybeing to the saides visitors day and dait forsaid, and all this to the best of their knowledge. *Sic subscribitur:* Jo. Osburne, provost; Hew Craufurd, baillie; P. Fergusone, baillie; Jo. Fergusone, clerk substitut.

BURGH OF HADINGTOUNE.

HADINGTOUNE.

Hadingtoune the sexteenth day of April j^m vj^c and ninety tuo years, compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissioners appointed be the royall borrowes for visiting the wholl west and southerne borrowes, the present magistrats of the said burgh, who gave in the accompt of the patrimony and state of ther burgh as follows:—

1. Imprimis, as to the first article it is answered that the charge of ther comon good as it wes rouped at Martinmas last extended to 4461 lib. 6s. 8d. Scots, besides some other caswall dewes which the towne receaves at the admission of burgesses and ringing of ther great bell at burialls, which is commonly within 100 lib., and that ther debt at clearing of the last theasaurers accompt which wes upon the fourth day of Jully j^m vj^c and nyntie one years, did extend to the soume of 4546 lib. 13s. 4d. monie forsaid.

2. As to the second article, it is answered that they have no mortifications belonging either to ther towne or gildrie.

3. As to the third article, it is answered that the towne is nowayes concerned therein.

4. As to the fourth article, it is answered that the saides visitors have visited the harbour and considered the same, being called the harbour of Aberladie, and doe find that the same cannot be made navigable or a safe harbour without ane extraordinary expences which they are not capable, and suppose they were in a condition (as they are not) yeit they could not have water for bringing up ships of any burthen, and that the same is four miles distant from the said toune.

5. As to the fyfth article, it is answered that they have produced to the saids visitors ther theasaurers bookes for fyve preceding years, by which it appears that ther comon good is lyck to be exhausted be ane considerable sowme by reason of the many publict works which hes fallen out to be done this year, such as the repairing the roof of the tolbooth, building of a new roof to the steeple, and covering the samen with lead, laying of new calsays in the publict streets of the

burgh, repairing of the common milns and paroch church, and doeing of sewerall which were all absolutely necesary to be done ; and as to the touns eiquies the samen are placed yearly in the theasaurers discharge of his intromissione with the touns comon good and is yearly 130 lib. by and attour the dewes payable for makeing therof which is yeirly 7 lib. 6s. Scots.

6. As to the sixt article, it is answered that none of the burges of Hadingtowne these fyve years backward hes hade any forraigne trade except three or four at most who hes some little inconsiderable trade in Inglish goodes and Hollands goodes, and which is maintained more by their credit then by any stock of their owne, and to evidence that ther trade is very small and inconsiderable none of ther import, at least very litle, is sold in haill saill but all retailled in ther owne shops and for goodes which was wont to be exported, being skin and hyde. There has been so few exported these fyve or four years they are not worth the nameing, they being about 2,000 or 3,000 skins yearly; and as to the inland trade of Scots comodities the samen is inconsiderable and not worth the noticeing, being only manadged by poor mean packmen ; and as to the trade and went of wyne, ther uses nor hes been non imported by the burgesses of Hadingtowne the space abovewrittin ; and as to the vent and retaill of wyne within the burgh these three years bygone the same according to the best information that can be hade does not exceed fyve or six tunns ; and as for the tuo or three years befor the samen would not exceed six or seaven tunn ; and as to the consumption of malt, conforme to the best informatione that can be hade from the collectors of the excyse and ther surveyors and the tacksmen of the touns comon milnes, will extend to weekly about fourtie bolls of malt.

7. As to the seaventh article, it is answered that they have no ships, barks, nor ferrie boats belonging to them, except one burges called John Mathie, master of the ship called the John of Prestounpans, betuixt 70 or 80 tuns, of value about 3000 lib. Scots, and who is but a late residenter and burges of this place.

8. As to the eight article, it is answered to the first pairt therof that they know non of ther burges to have any pairts of ships belonging to burghs of barronie or regality except one George Cockburn, who hath only a small pairt of a bark, belonging to Fisheraw. As to the second its answered that they know of none ther burges or inhabitants to have any trade with unfree burghs of regality or barronie.

9. As to the nynth article, it is answered that since the year 1685 there was paid yearly three moneths cess out of the comon good for easeing of the poor inhabitants, and from that tyme what was more then fyve moneths payed was payed out of the comon good, and that allwayes there was a pairt of that fyve moneths cess payed out of the comon good.

10. As to the tenth article, it is answered that the first minister of Hadingtowne hath payed him out of the comon good ane 100 lib. Scots yearly, of which

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they may have relieff out of the borrow aikers, and the rest of his stipend is payed out of the landwart parishes, and that the second minister hath 600 marks yearly payed him out of the comon good and the rest payed be the heretors of the landwart parishes, and that the master of the Gramar Schooll, presenter, and ther other publict servants, are all payed out of the comon good.

11. As to the elleaventh article, it is answered that all ther publict works such as churches, bridges, &c., and all others belonging to them, are maintained and supported by the comon good.

12. As to the twelfth article, its answered that the most pairt of ther houses belongs to the particular heretors by whom they are possessed, and the valuation of the wholl houses and burrow roods will amount to tuixt 9 or 10,000 lib. Scots.

13. As to the thretteenth article, it is answered that they have two fairs yearly and that the same continows only for the space of two dayes albeit ther privieledges allowes them eight, and that the intrinsick and trew value therof is stated in their charge as a pairt of ther comon good.

14. As to the fourteen article, it is answered that Tranent, Prestounpans, Prestoun, Port Seatoun, Ormestoune, Dirletoune, Auldstocks, Stentone, Giffoord-hall, Penstoun and other places thereabouts, are burghs of barrony round about Haddingtoune, which are now more frequented and more buying and selling of goods therein then in Hadingtoun, and by which places the marcat and trade of Hadingtoun wes upholden, which decay of trade therin and publict burdens imposed therupon hes occasioned the decay and ruine of the towne and therfor ane ease of their taxt roll is desired; and all which is represented to the royall burrows.

This is the trew accompt of the conditione of the said burgh, given up upon oath to the saids two visitors and subscrived be the saids magistrats and toun clerk at Hadingtoun, the said sexteenth day of April j^{m} vj^{c} nyntie tuo years. *Sic subscribitur:* Ja. Lauder, pro.; Ri. Millar, baillie; Jo. Smith, clk.

BURGH OF DYSART.

DYSART.

Ane state of the condition of the burgh of Dyssart.

The said burgh being ane antient and flourishing burgh royall, bearing all portable chairges with the rest of the burrowes till the year of God 1644 and 1645 they came to decay by the intestine and unnaturall war against Montross where the most pairt of the skippers and traffiquers were killed and destroyed, and by their building and edifieing of ane harbour pertaineing to the said burgh they did borrow the soume of 15,000 marks at sewerall tymes from sewerall persons towards the building of the forsaid harbour and for payment of their publict cess, they paying ane considerable pairt of the stent roll beyond ther ability, and for defending and maintaineing of the touns propertie against the

Lord Sinclair and Sir James Cockburne, which is all yeit resting and eight or ten years annual rent therof, who for ther unability and want of magistrats for ane considerable tyme hes rendered the wholl comon good pertaineing to the said toune useless; and the emoluments of the harbour of the said burgh, which is the greatest pairt of the burghs comon good, is at present in the possession of the said Lord Sinclaire who possesses the same by ane decreit recovered at his instance against them surreptiously befor the lords of session, and all the comon good which the said toune is in possession of is the hand bell and pettie customes which extends to the sowme of three hundreth marks, out of which they have the second ministers stipend to pay yearly, extending to the soume of 450 marks, and to the schoolmaster yearly the soume of 115 marks, by and attour the fees of the publict servants of the place. And now the said burgh being altogether without trade, ther being no ships pertaineing to the place except two small doggars and ane other ship, the skipper wherof resides for the present in the place, but not one naill belonging to any burges within this burgh, by which it is evident what a poor and distressed conditione this poor place is in and how unable they are even to bear any ane verie small proportion of the stent roll, the tuo parts of the burgh being either unhabitat or ruinous; the verrity of which is too evident to all passengers and travellers.

Dyssart the eighteenth day of September 1691 years. This is the trew and just accompt charge and dischairge of the comon good of the said burgh, given up by the magistrats and toun clerk, upon oath, to the visitors appointed be the royall burrowes for that effect; and they have subscrivit the same, day and place forsaid. *Sic subscribitur:* Alex. Suyne, D. Huttone, Wa. Pittillo, clk. Debtis, 10,000 lib.; comon good 200 lib.; cess and minister stipend payed by tax; no trade at all.

BURGH OF KIRKCALDY.

KIRKCALDY.

Ane accompt of the ships, ther value, names, burdens and masters, presently belonging to the burgh off Kirkcaldie in the moneth of Junij 1692.

David Philp, ane old bush, about 25 year old, burden 40 tuns, the wholl owners townsmen, value 1,000 marks.

David Williamsone, ane old dogger, about thirty year old, burden 45 tuns, the wholl owners townsmen, value 1,200 marks.

Thomas Bosewall, ane Holland pinck, 17 year old, burden 80 tuns, 9-sexteen parts belonging to the towne, value 3,000 marks.

William Tennent, ane pinck, 25 year old, burden 110 tuns, quherof three 16 pairts belongs to this toun, value 3,000 marks.

John Bosewall, named the Providence, square starned, 12 year old, burden 140 tunns, quherof elleaven 16 pairts and ane 32 pairt belongs to this towne, vallue 7,000.

James Black, square starned, 20 year old, burden 80 tuns, 12 sexteen pairts belonging to this towne, value 2,500 marks.

William Broune, ane pinck, 20 year old, burden 70 tuns, all belonging to this toune, value 2,000 marks.

Angus Linckletter, ane fleeboat, 14 year old, 140 tuns, quherof elleaven sexteens belongs to this towne, value 6,000 marks.

Henry Millar, ane dogger, 10 year old, burden 120 tuns, 12 sexteen pairts belonging to this toune, value 4,500 marks.

John Durie, ane fleeboat, 17 year old, burden 110 tunns, all belonging to this toun, except ane fourth pairt, value 5,000 marks.

William Moncreiff ane catch, 25 year old, 40 tuns, 10 sexteen pairts belonging to this toune, value 1,500 marks.

Mathew Andersone, ane pinck, 20 year old, burden 100 tuns, quherof ten sexteen pairts belongs to this towne, value 3,000 marks.

John Millar, ane dogger, 25 year old, burden 80 tunns, quherof ten sexteen pairts belongs to this towne, value 3000 marks.

William Andersone, ane squar starned ship, 20 year old, 60 tunns, ane fourth pairt belonging to strangers, value 2,500 marks.

All imployed in carieing coalls to Holland and London, except one or two may have fraught to the Sound by strangers or Norway. Ther is four ferrie boatts, value 500 marks per piece, and now become very unprofitable since Kinghorn hes built soe many small boatts, yoalls, and great boatts.

Ane accompt of the loss of masters names and the loss of ships within these ten years.

Walter Macghie lost ane ship, 100 tuns, loadning coalls going to Ostend, about 5 years agoe, men saved.

The same Macghie lost ane ship, 100 tuns, near Yearmouth rods, load with coalls, goeing for Holland, about 4 years, men saved.

The said Walter is dead within thir thrie years and his ship about threttie tunns sold to strangers.

John Dougall dyed about 5 years since, ship sold to strangers.

Patrick Rankine, dead about 6 years, his ship become a wrak.

Thomas Mastertoun, dead tuo years since, his ship sold to strangers.

Alexander Simson, dead one year since, his ship sold to strangers.

Mathew Heggie, ten years agoe lost comeing from Holland, all lost.

John Williamsone, comeing from Holland the year therafter were put ashore upon the coast of Ingland and they by betaking themselves to the boat were all drowned. When the said ship came home one Lodvick Weemes bought her who coming from Holland were all lost.

George Tod, Jully 1690, went over to Ostend and bought ane bigg ship about 300 tunns. After he bought her he died there, August 1691, and his brother bringing her home was lost, he and all his companie with a quantity of brandie.

John Tods ship, burden 100 tuns, went from this place in October 1690 with ane stock of mony to load his ship at Norway and neither men nor ship heard of since.

James Oswald, his ship about 150 tunns, goeing over to Holland, November 1690, was lost on that coast, with coalls, salmond, and others.

John Williamsone, May 1689, comeing from Holland, his ship about 70 tuns, was caried to Dunkirk.

Matthew Andersone, about ten tunns, runn downe at the back of the May.

The year therafter the said Mathew Andersone hade ane other bush about 100 tuns lost at Eyemouth.

About fyve years since, William Robertsone, comeing from Aberdeen with ane dogger, 60 tuns, was all lost.

About 7 years since, Robert Bogie goeing to Ostend harbour, lost his ship about 80 tuns, the men saved.

John Davidsone, goeing to Rotterdame, about 6 years, lost his ship on the Crab, burden 120 tuns, men saved.

William Sheduway, bound for London, about 9 or 10 years since, was lost near Cromae, man and boy, burden 40 tuns.

Ane accompt of the skippers, men, ships, and loadning, since the last visitatione the 7th day of May 1688 yeares.

Alexander Meek, ship goeing for London was cast away upon Buxie Sand, March 1692, ballast with coalls and linning cloath, value 6000 marks.

John Ramsays ship goeing for Dantzick with a loadning of salt was taken by a French frigott, and he payed for the ship and loadneing 200 lib. sterline.

George Walkers ship was lost at Stonhyve, value 1800 marks.

Ane bush belonging to John Tod, named the Generall, was wraked in this harbour, value 1,000 marks.

Walter M'Kie lost his ship at Ostend with loadning, value 7,000 marks.

The same year, the said Mackie lost George Tods ship loadned with coalls and tallow of Yearmouth, value 9,000 marks.

James Oswalds ship was lost upon the coast of Holland with coalls and salmond, value 14,000 markes.

George Tods new ship bought at Ostend comeing home was cast away at Wintertownness, value 10,000 marks.

John Tods ship and men were lost goeing to Norway, value 6,000 marks.

Loadwick Weemes lost of Bomer, loadened with whyt pies, except one man, value ship and loadneing 5,600 marks.

John Williamsone, younger, comeing from Holland was taken by a French friggott and carried to Dunkirk, value three thousand marks or therby.

In witnes of the veritie heirof, wee have subscrivit thir presents with our hands at Kirkcaldie the first day of Junij 1692 years, befor thir witnesses, John Buchan, one of the ordinar officers of this burgh, and Robert Cuninghame, younger, wryter, there. *Sic subscribitur:* James Lundie, belyie; Henrie Oswald, baillie; Rot. Cuninghame, clk. Rot. Cunninghame, witness; Jo. Buchan, witness.

Burgh of Montrose.

Montrose.

Accompt of the comon good of the toun of Montrose at Martimas anno 1685.

The wind milns	1,006	13	4
The shoar dewes	500	0	0
The pettie customes	107	6	8
The grass in the links	44	0	0
The weigh house	36	13	4
The flesh shemles	191	6	8
The few duties	197	0	0
	2,083	0	0

The comon good at Martimas 1686, as the thesaurers accompts will instruct	2,053	6	8
Ditto, Martimas 1687	1,985	13	7
Ditto, Martimas 1688	2,076	13	0
Ditto, Martimas 1689 to Martimas 1690	2,125	0	0

Accompt of the debt resting by the toun of Montrose dew to sewerall persons 15,280 13 0.

The annual rent thereof is	917	0	0
To ministers yearly more then the found	1,000	0	0
To the schooll maister and maister of the gramar school	306	13	4
To the officers fies and ther coats	200	0	0
To the touns æquie	51	12	0
To the clerk	51	0	0
To the master of the musick schooll	20	0	0
To the church officer	16	6	0
To the towns agent	24	0	0
To the town keepers fie	12	0	0
The milne wrights fie	24	0	0
The sclaiters fie	8	0	0
The news letters	60	0	0
The provost, baillies and thesaurers fies	60	0	0
	2,750	11	4

The misive dewes and borrowes agents.
The commissionars charges to parliament and borrows.
To the mantainance of the mills and lye dayes.
The mantainance of ballast boat and publict houses.

Reports, 1692.

Montrose.

To the advocats and writers.
The towns debursements in intertaineing persons and officers.
The maintenance of the bridge of Toik.

2. As to mortifications, wee have but what belongs to the hospitall and church sessione which are applyed for the use of the poor.
3. Wee are not in that article concerned.
4. Wee are not concerned in that article.
5. The thesaurers accompts and eiquie are readie to be presented.
6. There is no venting of wine heir considerable, in regaird there hes been non imported to this place except what came from Leith, Aberdeen, and Glasgow, which is not worth the notice, and when wee did import wynes wee could not retaill above six tunns; and as for the malt wee reckon it will be about three thousand bolls of consumptione in regaird the excyse therof will be about three thousand fyve hundreth pounds Scots.

					Lib.		
7.	William Grigs ship, the Providence	tuns	80	value	2133	0	0
	Thomas Pearsons ketch, the Friendship	„	50	„	2400	0	0
	John Butcharts ketch, the Rose	„	55	„	2000	0	0
	Alexander Scots doggar, the Benjamin	„	40	„	1333	0	0
	James Gentlemans ketch, the Hope	„	45	„	1600	0	0
	Walter Keths ketch, the Jannet	„	50	„	2000	0	0
	James Scots doggar, the Elizabeth	„	40	„	1200	0	0
	John Scots scout, the Margret	„	50	„	1000	0	0
	Alexander Butcharts bark, the Rose	„	25	„	600	0	0
	John Boyes bark, the Jean	„	34	„	1200	0	0
	David Burnes bark	„	20	„	666	13	4
	Alexander Andersones bark	„	13	„	333	0	0
	Alexander Wabesters bark	„	25	„	500	0	0
	James Prestouns doggar, the Jean	„	35	„	600	0	0
	John Grahams bark	„	25	„	400	0	0
	William Gentlemans bark	„	20	„	400	0	0
	David Rannies bark	„	9	„	266	0	0
	James Scots bark	„	13	„	200	0	0

1686. James Butchart from Stockholme with irone.
David Wood, from Coningsberg, with flax, now lost.
Alexander Ogilvie, to Norway, the ship then lost.
Alexander Scot, from Zetland and Stockholm with fish and irone.
Alexander Andersone, to Dunkirk with malt.
Alexander Wobster, to Drountowne with wictwall.
James Butchart, to ditto with ditto.
1687. John Scot, scout to ditto with ditto.
James Scott, to ditto with ditto.

Thomas Pearsons to that with ditto.
1687. David Wood, to London with coalls and linning.
James Scott, doggar, from Rigant with flax and hemp.
William Grig, from Dantzick with lint and cnapold.
James Gentleman from Stockholm, with iron.
James Butchart from ditto with iron.
Thomas Pearson to Dunkirk with salmond.
James Butchart, to Campheir with salmond and plaiden, ane great pairt of the salmond belonged to the herretors.
1688. James Scot to Christianland with wictwall.
Alexander Scot, to Norway with corne.
James Butchart, from Stockholm with iron.
Thomas Pearsone, from Riga with flax; and
David Wood to London with coalls and linning.
William Greig, to Norway for timber.
Thomas Pearson, to Dunkirk with salmond.
1689. Alexander Scot, from Stockholm with iron.
James Gentleman, from Queensberg with flax.
Walter Keith, from ditto with flax.
Thomas Pearson, with tuo pairts salmond and half load home.
John Scott, scout to Norway with ballast.
James Scot, to ditto with ballast.
David Wood, to London with coalls and linning.
1690. James Butchart, from Holland two parts load.
Thomas Pearson, from Coningsberg with flax.
William Greig, from ditto with flax.
James Gentleman, from Stockholme with iron.
David Wood, to London with coalls and lining.
Ane Sweed, from Stockholme with dealls and irone.
Alexander Scott to London with goodes.
James Butchart, to Holland with tuo pairts salmond and half load with goodes back.

For inland trade, wee have non save coalls and salt for serveing the inhabitants, and our barks are imployed for transporting gentlemens victwall to the Firth. As for tobbaco, suggars, and leather, our merchants are served from Glasgow.

8vo As for ships belonging to burghs of regality and barrony, wee have no intrest in them, except one William Thomsone in Peterhead, about sextie tunns, of which some of our merchants have three 16 pairts and does not trade here.

9no Our cess is payed by way of stent and that besides four moneths yearly for which wee stent ourselves, the towne being supperexpended and in debt to our thesaurers as will appear by ther accompts, to some 100 lib. starling a year and to some 200 pound starline.

MONTROSE.

10mo Our ministers stipends, schoolmasters, precenters, and all other publick servants are payed as alreadie sett doun.

11mo Our publick works are mantained out of our comon good, except the church as alreadie sett doun.

12mo The houses of the towne inhabited and emptie, the rent of them yearly extends to, and as the particular accompt heirwith will show, the sowme of 12,634 lib. 3s. 4d.

13. Wee have two fairs in the year, the one in May the other in Jully. As for the first, the officers of the toun collects that for themselves and get it from the councill as ane gratuity, the other payes 9 lib. Scots which will not defray the charges.

14. As for burghs of barrony and regality, wee have non within our precinct that have any forraigne trade except Stonhyve, and ther belongs to the said towne in which wee have no intrest nor tradeing with them William Greg, one ketch, burthen about sexty tunns, and John Woods doggar, burthen nynty tunns. Wee have also within our prescincts Fettercairne, Auchnablea, and Drumlithie which are verie inconsiderable.

15. Its ane instruction to the visitors.

Montrose the 10th September 1691. The above accompt of charge and discharge is the just and trew accompt of the comon good and debts of the said burgh, given up be the magistrats and toun clerk, upon oath, to the visitors appointed be the royall borrowes for that effect, and it is declaired by the saids magistrats and clerk that the ballance wherein discharge exceeds the charge yearly is defrayed by taxting the burgessis and inhabitants themselves who now hes retracted, whereby the towns debt most necessarly increase. This signed by the magistrats and clerk, day and place above mentioned. *Sic subscribitur:* Robert Aburthnet, provost; Robert Rennald, baillie; Ja. Mudie, baillie; Tho. Lyell, clerk.

BURGH OF COUPAR.

COUPAR.

At Coupar the fyfteen day of September 1691. The samen day, whereas the royall borrowes of this kingdome in ther last generall convention holden at the burgh of Edinburgh the nynth day of Jully last by past, did think it proper and convenient for the good of the royall borrowes to give instructions for a visitation of the saides borrowes, which were then read and approven of in the said conventione and delivered, and recomended to John Mure, provost of Air, and Mr James Smalet, commissioner for the burgh of Dumbartoune, visitors appointed for the burghs be north Forth, as the saids instructions in themselves fully proports; in obedience to which wee the magistrats and toun clerk of the said burgh of Coupar doe heartiely and cheerfully give in the followeing answers and returne.

Chairge.

Imprimis. As to the towns comon good, being a casuall rent payed out of

Coupar.

milns, smal customes, ground annuities, and comon pasturage, extends *communibus annis* to the soume of two thousand or twentie one hundreth pounds Scots monie, inde 2,100 lib.

Discharge.

Imprimis. As to the towns debts upon bond of principal .	4,738	12	0
Item, the yearly annual rent of the said accumulat soume .	284	6	2
Item, to the payment of the first ministers manse, gleeb, viccarage, and other things wherof they have been in use of payment these twentie years	174	0	0
To the payment of the second ministers stipend, conform to bond given by the magistrats and toun councill to our present minister when he entered, befor the '60 year of God .	373	6	8
To the principle master of the gramer school, of yeirly sallarie .	180	0	0
To the schooll doctor, for serveing both doctor and precenter in the church	106	13	4
To the payment of the race plate and incident chairges thairanent, the found being 600 marks lent to the towne, inde [£24]	240	0	0
To the towns eiquie and expences in makeing therof . .	28	0	0
To the payment of the towns few duty, Culross mill . .	10	0	0
To the touns clerks sallarie	13	6	8
To the payment of the toun thesaurers sallarie . . .	28	0	0
To the officers, drumer and piper, ther fies and cloaths .	127	14	0
To the keeper of the touns knock	12	0	0
To the jayler yeirly	40	0	0
To the payment of the misive dewes yearly these tuo yeirs yearly	72	9	2
To the payment of ane commissioners fie to the borrows .	28	0	0
To the payment of the comunion eliments . . .	40	0	0
To the generall postmaster	30	0	0
To the incident expences in upholding our milns, tolbooth, bridge streets, is yearly above 400 marks, inde . . .	266	13	4

Coupar the fyfteenth day of September j^{m} vj^{c} nyntie one years. This is the trew accompt, charge and discharge, of the comon good of the said burgh, given in by the magistrats and toun clerk, upon oath, to the visitors appointed by the royall burrowes for that effect, and they have subscrivit the samen, day and place forsaid. *Sic subscribitur:* Tho. Lockhart, baillie; Joseph Knox, baillie; James Childsdaills, baillie; J. Anderson, clerk.

Burgh of Enster Easter.

Accompt of the comon good of the burgh of Enster Easter.

Enster Easter.

Charge.

	Marks.
Imprimis. The customes and anchorage of this burgh for this current year, 1691, are	290

ANSTRUTHER EASTER.

	Marks.
Item, of land rent and which is wodsett to the kirk sessione for a pairt of the ministers stipend	150

Accompt of the debts due by the burgh of Anstruther Easter and payed out of ther comon good and taxatione upon the inhabitants of the burgh.

	Marks.
To the minister yearly, as a pairt of his stipend, the burgh having built the church on ther own charges	570
To the Hills in Queensferrie of principall	2,100
Item, threty two years annual rent therof or thereby	4,032
To Robert Hamiltoun, merchant in Edinburgh, of principall and annual rent	800
To Mr Thomas Chalmers pupills of principall	1,200
To eight years annual rent therof being	600
To the kirk sessione and minister, for which they have the comon land wadsett and the minister uplifts the rent thereof of principall	2,500
To the poors box of principall which was taken by the lords of sessione	800
To thretie nyne years annual rent therof or therby	1,900
To Mr William Moncrieff, late minister, or thereby	500
To the representatives of Mr Edward Thomsone	600
To Mr Pitcairn, principall of the old college of St Andrews	400
To Mr John Buchan, borrows agent 80 lib., inde	120
Item, to John Guthrie	400
Item, to the clerk yearly	30
Summa est	16,532

Anstruther Easter, the 17 September 1691 yeirs. This is the trew accompt, charge and discharge, of the comon good of the said burgh, given up by the magistrats and toun clerk, upon oath, to the visitors appointed by the royall borrowes for that effect, and they have subscrivit the samen, day and place forsaid. And they cess the people for the difference of the two. *Sic subscribitur;* James Lauson, lait baillie; Andrew Duncane, late baillie; Ja. Simpsone, clerk.

BURGH OF DUMFREIS.

DUMFREIS.

Dumfreise the twenty third day of April j^{m} vj^{c} nynty two yeares. Compeired befor James Fletcher, provost of Dundee, and Alexander Walker, baillie of Aberdeen, commissionars appointed by the royall borrowes for visiting the wholl royall borrowes be south and west the river of Forth, the present magistrats of the said burgh of Dumfreise and ther toun clerk, who gave in ane accompt of ther patrimonie and comon good, together with ane answer to the saids visitors instructions as followes.

1° As to the first article, it is answered that ther comon good to the best of ther knowledge will amount to 2,666 lib. 13s. 4d. or thereby, *comunibus annis,* and that ther debts will be about twentie thousand marks or therby.

DUMFREIS.

2^{do} As to the second article, it is answered that they have no mortificationes belonging to them.

3^{tio} As to the third article, it is answered that they are not concerned therin.

4^{to} As to the fourth article it is answered they are not concerned therin.

5^{to} As to the fyfth article, it is answered that they have produced ther thesaurers bookes for fyve preceeding yeares to the saids visitoris who have considered the samen, and that they are stated in the answer to the first article, and that ther eiquies with ther clerks and other dewes therto belonging amounts yeirly to twenty nyne pounds Scotes, which is instructed by the dischairges produced to the saides visitors.

6^{to} As to the sext article, it is answered that they have hade these fyve years bygone of forraigne trade the followeing particulars, viz., ane small ship from France with eighteen tunns of wyne and sex tunns of brandie or thereby; item, ane other veshell from Norway with fyve thousand daills; item, a small veshell from Stockholme loadened with iron; item, ane other small veshell from Bristoll, of the burden of twentie tunns, loadened with cydar botles hopes and some other small goodes of inconsiderable value, being four in all. And as to ther inland trade they have hade the particulars followeing, viz.: Threttie packs of linnen cloath at twenty pownd sterline the pack in neat twelve hundreth pownds sterline, and other goodes of that nature to the value of four hundreth and eighty pownd sterline; item, fyve thousand sheep skins at fyfty pownd sterline the thousand in neat two hundreth and fiftie pound sterline; item, sex thousand mort lambskins, worth seaventeen pound sterline, which they sell yearly to merchants in Edinburgh and others. And that they have ten or twelve merchants shops that retaills tarr, lint, and iron, and tuo shops that sells cloath and London goodes; and that they have some other shops of little accompt that sells brandy, pypes, tobbacco, candle, and such lyck wares; and three appothecaries shops. And this is all forraigne and inland trade they have to the best of ther knowledge and surest informatione they can gett. And that ther is vented yeirly within ther burgh about three tunns of wine yearly these fyve years bygone, and that they cannot condescend upon what malt they consume yearly in regaird ther milns are rouped with the rest of ther comon good and that they are no further concerned then the tack duty payable be the tacksmen, and that ther is litle malt made in the toune, and that the most pairt of ther malt is brought from the countrey, and that the tacksmen of the excyse are in use to sett leases therof to others soe that it is not possible for the magistrats to give a trew accompt thereof.

7^{mo} As to the seaventh article, that they have four veshells belonging to ther towne, viz., the Adventure, of burthen about 36 tunns, the Providence, 20 tunns, the Concord, 20 tunn or thereby; and which three ships they value at ane hundreth and fyfty pownd sterline, and that they have lyen up these three or four yeares for want of trade and soe are ruinous; and the Elizabeth of 140 tunns which is lying at Kirkcudbright ruinous and disabled, soe that she cannot goe to sea; and that they have no other ships or barks belonging to them; and that they have a small boat about three tunn, a yoal and no ferry boat.

8. As to the eight article, it is answered that they are not owners nor pairtners themselves, nor know they any of ther burgesses to be ouners or pairtners of any ships or barks belonging to any other burgh royall, barrony, or regality, nor are they anywayes concerned in trade with unfree burghs.

9. As to the nynth article, it is answered that ther cess is payed by a valuation of ther houses and land rent by a stent roll of ther trade, and which roll is revised and altered from tyme to tyme as trade encreases and decayes, and that now by the decay of trade the cess is lyke to fall on the land and houses; the valuation bookes of the saids houses and borrow reeds being produced to the saids visitors, which were considered by them, extends to 12,000 lib. or thereby.

10. As to the tenth article, it is answered that the minister draws the teynds *ipsa corpora* for payment of his stipend of the borrow aikers as ther pairt therof, the rest being payed out of landwart parish, and that they pay threty pounds for the half of the ministers manse out of ther comon good, and the landwart parish the other half, as also they pay to there schoollmaster, doctors, presenter, and others there publict servants, 970 lib. Scots yearly; inde the haill 1000 lib. which is payed out of the comon good, together with the annual rent of 20,000 marks of debts mentioned in answer to the first article.

11. As to the elleaventh article, it is answered that they have no hospitalls nor any harbour that hath any key, there being but a small water and very shallow and sand banks all down the water twenty mills from the towne, which hes been considered by the saids visitors, and ther being a necessity for makeing use of lighters from Kirkcudbright and Hasting it is very expensive and consumes the profeitt of ther trade. And that they maintain the rooff and fabrick of ther church, as also ther bridge consisting of nyne large arches, tolbooth, prison houses, milns, milndams, closes and schoolhouses, out of the comon good; and that the expenses of all these above mentioned will amount to 500 lib. yearly or therby, wherby and by the expences of ther commissioners to the parliament, convention, and other publict charges, ther patrimonie is exhausted and will necessarly engadge them to contract debts, and by reasone of the inconveniencie of the river and the chairges off lighters its feared that trade will totally decay even tho ther were peace.

12. As to the twelth article, it is answered that the most pairt of ther houses are inhabited by ther respective heretors, and ther other tenements and houses will not amount to above three per cent., and that ther will be about twentie tenements on the High street ruinous, besides some houses in closes, and that the wholl northsyde off Lochmabanegate, being a long street, was totally distroyed by fire about a twelvemoneth since or therby, a great deall whereof is as yeit unbuilt.

13. As to the threteenth article, its answered that they have two yearly fairs and a weekly marcat, and that each of these fairs is privieledged to continow

eight dayes, but that they are often inconsiderable, and that one thereof, notwithstanding of the forsaid priviledge, continowes but one day, and that the customes of both are a pairt of ther comon good and soe stated in answer to the first article.

14. As to the fourteenth article, it is answered that ther are sewerall regalities, barronies, kirktowns, and other countrey villages within some few mills of ther toune, which they consider to be within ther precinct, who have a considerable trade and vent staple comodities in prejudice of ther burgh, all which shall be more fully made appear at the nixt conventione of borrowes.

Nota. It is to be remembered at the reporting the state and conditione of the said burgh that ther comon good is necessarly exhausted from year to year, and a great decay of ther trade, and many houses ruinous and waste, soe that they expect to be releived and eased in the fyve shilling they were heighted in the taxt roll Jully was a year.

This is the trew accompt of the touns patrimony, comon good, and state of ther burgh, with answers to the abovewrittin queries and instructions, which are given upon oath by the saids magistrats and towne clerk wnder subscryveing, to the best of ther knowledge and informatione, to the saids visitors, day, date, and place above wryttine. *Sic subscribitur:* Tho. Rome, provost; Robert Johnstoun, baillie; John Irveing, baillie; Wm. Menzies, clerk.

INVERNESS.

BURGH OF INVERNESS.

Accompt of the comon good belonging to the burgh of Invernes, few dewties, and other caswalties belonging therto, for the year 1691.

	LIB.	S.	D.
The peck and firlott pettie custome and tole mony of the bridge, rouped for	1,010	0	0
The weighhouse and salt measour rouped for the said year .	40	0	0
Flesh stocks and shambles rouped for	46	0	0
The anchorage and shoar dewes rouped said year for . .	190	0	0
The few dewties yearly, and what is paid to the towne by the weivers	359	10	8
	1,645	10	8

Accompt of the yearly debursements of the toun of Invernes to ther ministers and other servants, out of the comon good of the burgh, haveing no other way to pay the same.

Imprimis, to the ministers yearly	133	6	8
To the master of the gramar schooll	133	6	8
Item, for ther eiquie	61	12	0
Item, for the misive dewes	77	8	0

	LIB.	S.	D.
Item, the four officers sallaries	40	0	0
Item, for red coats to them yearly	26	13	4
Item, the drumers sallarie	40	0	0
The provost and four baillies sallaries	33	6	8
The thesaurers sallary	40	0	0
The clerks sallarie	66	13	4
Item, the annual rent of 11,841 lib. 7s. Scots of debt resting be the toune yearly is	710	0	0
Item, for keeping the touns knock yearly	80	0	0
Item, the executioners sallarie yearly	16	0	0
Item, for coall and candle to the sewerall gairds from Michaelmes 90 to Michaelmes 91, conform to the thesaurers accompt therof	460	0	0
Item, for repairing the peer and harbour from Michaelmes 90 to Michaelmes 91, per the thesaurers accompt thereof	90	0	0
To Mr William Robertson of Inshes, for the rent of the house and close quher the peits for the severall gairds are keeped	10	0	0
Item, to William Cuthbert, merchant, for the rent of ane seller for a meill mercat yeirly	12	0	0
[£2,030, 6s. 8d.]	3,030	15	8

It is to be remembered that the visitors upon inspection of the thesaurers accompts of the said burgh, not haveing found the annual rent of ther debtes charged therin, and haveing enquired the reason therof from the magistrats, they declair that it is not the custome of the burgh to charge the thesaurer with debts, especially the comon good being otherwayes expended, as appears by the thesaurers bookes; but they declaire, upon oath, that the annual rents of the debts given up be them in the discharge are all yeit resting, and in case the publict pay not ther pairt of the saids debts they have no way to satisfie the samen but by stenting themselves. This subscryved tyme and place forsaid.

The above accompt of the comon good of Invernes and the accompt upon the other page of ther debts and debursements, the one extending 1,645 lib. 10s. 8d. Scots and the other, being ther discharge, extending to 3,030 lib. 15s. 8d. monie forsaid, are the just and trew accompts of the charge and discharge of the burghs comon good and debts; and the magistrats declair that the ballance betuixt the charge and discharge is raised by cess on the inhabitants of the burgh; and that is subscrivit by them upon oath day and place forsaid, only the magistrats doe declare that in leiw and stead of the fyve pound sterline as a pairt of the 100 marks stated as the clerks sallarie in the discharge, the towne have transacted with the clerk and allow him the duplicandos of the few deuties at the entrie of ther vassalls, which the clerk receaves in satisfactione of the said fyve pownd sterline, soe that it is all one to the towne as if he were paid in specie conforme

REPORTS, 1692. to the article in the discharge. *Sic subscribitur:* Hew Robertsone, provost; Wm. Duff, baillie; J. Duff, baillie; Wm. Rose, baillie; Tho. Hossack, theasurer; Sa. Cuthbert, clk.

BRUNTISLAND.

BURGH OF BRUNTISLAND.

Ane trew and reall rentall of the comon good of the burgh of Bruntisland, as the samen was rouped and sett from Martimas 1690 to Martimas 1691 in maner followeing, to witt:—

	LIB.	S.	D
Imprimis, the comon land 380 marks	253	6	8
Item, the postship for 300 marks	200	0	0
Item, the anchorage for	235	0	0
Item, the boat silver for	88	0	0
Item, the small customes for	120	0	0
Item, the custome upon the load of coalls	35	0	0
Item, the boothes and sellars wnder the tolbooth	30	0	0
	961	14	8

This is all our comon good. As for mortifications, wee haue none, neither haue wee any impositions.

Out of which comon good ther is yearly payable to the stipendaries aftername the soumes of mony underwritten, viz.:—

Imprimis, to the minister yearly 400 marks is	266	13	4
Item, to the schoolmaster yearly	100	0	0
To the schooll doctor yearly	37	6	8
To the towne clerk yearly	44	0	0
To the towns agent yearly	12	0	0
To the tuo officers, toun drumer, and to him that keeps the cloack yearly	80	0	0
To the kirk beddell	13	6	8
To the cloak dresser yearly	8	0	0
Item for clearing the towns equies yearly	11	0	0
Suma is	572	6	8
The stipendaries fies being deduced of the said comon good ther remains for payment of the towns debt and annual rents	389	8	0
Prooff	961	14	8

The comon good of the said burgh for the year preceeding, viz., 1690, amounts in the haill to the soume of £870, 18s. 4d.

The stipendaries fies for the said year being deduced which comes to, with the equie	572	6	8

Reports, 1692.

Bruntisland

	LIB.	S.	D.
Ther rests to pay the touns debts which extends to 10,348 lib. 1s. 4d. and annual rents therof the said year, the sowme of .	298	11	8
Prooff is .	870	18	4

Bruntisland 19 September 1691 years. Wee the magistrats of the burgh of Bruntisland, undersubscriveing, doe heirby attest that this is a trew rentall of the said burgh for the years 1690 and 1691 and of the stipendaries yearly payable furth thereof, as witnes our hands day, place, and year forsaid. *Sic subscribitur :* David Christie, bailly, Wm. Cheaplain, baillie.

Burgh of Inverkeithing.

Innerkeithing.

Rentall of the burgh of Inverkeithing, its few duties, ground anwalls, and casualties, payable to the magistrats and toun councill therof from Whitsunday 1690 to Whitsunday 1691 yeares, comprehending ther wholl comon good, extends to the soume of 622 lib. 2s. 4d. Scots mony. Nota that the shoar dewes are not here included because it is fallen in the touns hands the year forsaid.

Debt dew be the towne of Innerkeithing to ther creditors undernamed, both as to principall sowmes and annual rents preceeding Martimas 1690.

	PRINCIPALL.			YEARS.	ANNUAL RENTS.		
Imprimis, resting to the kirk session of the said toun . . .	266	13	4	14	224	0	0
Item, to Janet Gillespie per bond .	366	13	4	3	66	0	0
Item, to John Anderson per bond .	200	0	0	3	36	0	0
Item, to Robert Baird per bond .	666	13	4	3	40	0	0
Item, to James Dudgeon and his spouse per bond . . .	133	6	8	1	8	0	0
Item, to James Broune, coupar, per bond	200	0	0	1	12	0	0
Item, to Robert Main per bond .	66	13	4	1	4	0	0
To Robert Hendersone per bond .	333	6	8	1	20	0	0
To David Thomson per bond .	117	13	4	1	6	17	0
To the gildrie of the said burgh per bond	100	0	0	1	6	0	0
To them per subscrivit ticket .	58	0	0	0	0	0	0
To the fraternity of baxters or maltmen in the toun per bond . .	2509	0	0		422	17	0

Deductions out of the rentall, which with the annuall rents abovewrittin the thesaurer of the said burgh for the year forsaid is authorized to pay.

Imprimis, ane yearly duty to the Earle of Lauderdaile . .	20	0	0
Item, the ministers manse	20	0	0

INNERKEITHING.

	LIB.	S.	D.
Item, to the schoolmasters sallarie	40	0	0
Item, to the knock keepers sallarie	10	0	0
Item, to the clerks sallarie	33	6	8
Item, to the touns officers ther fies and cloathes	40	0	0
Item, the drumers fie	14	0	0
Item, for the touns equie	14	10	0
Item, ane yearly duty to the sherriff of Fyffe	20	0	0
Item, to each one of the baillies of the said burgh	12	0	0
Item, the theasurers fie	6	13	4
	230	10	0

Item, the commissionars to the parliament and burrows.

This is the treu rentall and debt of the towne of Inverkeithing, attested under the hands of us the provost, baillies, and clerk, undersubscriveing, the seaventeen day of August 1691. *Sic subscribitur:* Alexr. Spittell, provost, William Henderson, baillie, Jo. Cant, clk., David Thomson, baillie.

BURGH OF KINGHORN.

KINGHORN.

Charge of the comon good of the burgh of Kinghorn, from Martimas 1688 to Martimas 1690 being two years.

Imprimis, from Martimas 1688 to Martimas 1689 our miln	128	0	0
Item, the postship that year	108	0	0
Item, the boats silver that year	81	6	8
Item, to the impost and anchorage that year	33	0	0
Item, our comon grasse that year	215	6	8
Item, the grasse of the Rodding Braes that year	120	0	0
	685	13	4

Charge of the comon good of the burghe of Kinghorne from Martimas 1689 to Martimas 1690.

Imprimis, our miln that year	146	3	4
Item, the postship that year	173	3	0
Item, the boats silver that year	105	0	0
Item, the impost and anchorage that year	36	0	0
Item, our comon grasse that year	239	0	0
Item, the rent of the Rodding Braes that year	120	0	0
	819	10	0
	685	13	4
Suma of both is	1505	3	4

REPORTS, 1692.

KINGHORN.

Discharge.

	LIB.	S.	D.
Item, deu be the toun of Kinghorn to the laird of Halyeards per bond	2000	0	0
Item, more be the toun to the kirk session therof . .	533	6	8
Item, more to David Orrock be bond	266	13	4
Item, more to Mathew Law be bond	100	0	0
Item, dew be the toun to the primgilt box be bond . .	78	13	4
Item, to baillie Patrick Wallace be bond, for his attendance and debursements at the convention of estaits, three sessions of parliament, and generall and particular conventions of borrows these tuo years	357	16	0
	3336	9	4

This is the just and trew debt oweing be the towne of Kinghorne be bond.

The tuo years annualrent of the abovewrittin principall soum .	400	7	0

Payable yearly to the towns servants.

Item, to the schoolmaster and precentar at the kirk of Kinghorne these two yeares	160	0	0
To the clerk for his fie these two yeares . . .	77	6	8
To the toune officers for ther fies these yeares . . .	77	6	8
Item, the equies these two yeares	25	8	0
Item, the misive dewes these tuo yeares . . .	59	14	0
Item, bestoued upon the repairation of the Pettiecuir, besid what the 10s. on the boll of malt extends to . . .	508	13	4
Item, more, the touns incident charges these tuo years and repairing our miln being all doune to the ground . .	516	13	0
	1825	8	8

Sic subscribitur : Robert Bruce, Robert Shaw, scriba.

BURGH OF BRICHEN.

BRICHEN.

ANSWERS by the burgh of Brechine to the querries given in to them by John Muir, provost of Air, and Mr James Smalet, provost of Dumbartoune, visitors appointed by the borrows for the royall borrowes benorth the water of Tay.

1. To the first, requiring ane accompt of the comon good and debt, its answered by ane peaper apairt containeing both.

2. Its answered that they have no mortificationes belonging to the toune or gildrie.

3. Its answered that the touns thesaurers accompt fitted for fyve years preceeding the year 1691 are presented to the visitors.

4. Its answered that they haue no forraigne trade, being ane inland and countrey burgh. As for ther inland trade its but very mean and small, being altogether failled within these three or four years last, soe that more then a third pairt of the merchants and inhabitants of the toune are either become bankrupt or left the burgh, as will appear by a list of the vacant houses therof, and soe all the inland trade is small commodities, such as soap, stearch, salt, iron potts, pans, and other small wairs bought from the nearest sea port, and soe the advantage is litle or none. There are some tuo or three of the inhabitants of the burgh who are imployed by merchants in the adjacent burghs to buy green lining for them and have some litle benefeit therby, and for the rest of the inland trade its by eight or ten of the inhabitants tradeing in bear and maill for serveing the inhabitants of the burgh, and some few in the burgh and paroch and countrey round the towne with malt and maill; all which is extraordinarly inconsiderable, soe that the haill inhabitants groan under the burden of the monethly cess and supply, being fyve pound ten shillings sterline monethly, and altho the samen be laid on by way of taxatione yeit verie offten the inhabitants prove insolvent of their respective stents, in which caice the towns comon good pays the defficiencie of the towns stent roll, which hes amounted to considerable soumes these three years by past, as may be seen by the theasaurers accompt produced. As to the vent of wyne ther is but one house or inn in the towne that vents wyne, while these three years bypast there hes been litle seck or brandie. There are some sallars of aile that vent brandie about ten points a year. As for the vent of malt its not considerable, the wholl toune being decayed soe that the brewars have litle or noe seall for aile but from strangers and at the comon fairs belonging to the toune, and the excyse roll is become a great deall short of what it was formerly.

5. Its answered that ther is no shipping great or small belonging to the burgh, the samen lyeing fyve mylls from the sea.

6. It is answered ther is no inhabitant hes any pairt of or portioners in with others in shipping in other royall borrowes or burghs of barronie.

7. Its answered that the cess of the burgh being fyve pound ten shillings monethly is laid on by taxatione on the inhabitants but often they faill in payment of their respective stents, soe that the deficiencie is made up out of the comon good and falls out to be considerable.

8. Its answered that the first ministers stipend is payed out of the bishops rents, the second minister is payed out of the teynd of the parochine and bishops rents, except ten pounds for ane yeard yearly. The rest of the publict servants fees are payed out of the publict and comon good of the burgh as will appear by the peaper apairt.

9. It is answered that the wholl publick works are mantained out of the

comon good, such as ane bridge on the water of Southesk, which did cost the toune in anno 1685, upwards of 1000 marks, and soe brought the publict in debt. Item, the grammar schooll, whilk is ane verie old house and most now be altogether repaired, besides ane good sowme it hes stood the toune yearly for many years bygone. Item, the tolbooth which is extream old house and is to be taken downe and of new built and fortified out of the comon good. Item, the publict marcat cross whilk is altogether demolished and will just now stand the town upwards of (*blank*). These, besides the publict streets, ports, and dycks of the comon grass, and mantaineing the comon milns, one of which in anno 1688 did stand the towne for ane new house, ane stone stooll and other materials the sowme of 100 lib. sterline, and the other is demolished.

10. Its answered that the marcat is the calsay marcat, being on Tuesday weekly, beginning the first Tuesday of Lent and containoweing till Pash Sunday, being four dayes. Item, ane weekly marcat on Tuesday throughout the wholl year. Item, ane yearly marcat called Palm Tuesday lasting one day. Item, ane yearlie fair called Trinity Fair beginning the Wednesday after Whitsonday on the Trinity Mure of Brechine, whilks is the sheep marcat day, Thursday therafter the nolt marcat day, Fryday therafter the horss marcat day, and Tuesday therafter returneing into the toune. Item, Martimas Tuesday one day yearly. Item, the weekly Craft Marcat, beginning the Tuesday after Michaelmess and containeing to Christmas, both the Calsay and Craft marcat being some better than the ordinarie weekly marcats.

11. Its answered as to the burghs of barrony and regality within the precinct of Brechine, that the laird of Edzell, within three mylls of the towne, hes a weekly marcat on Wednesday and also ane yeirly fair called St Laurence Fair the tyme of the comon fairs of Brechin, as also ther is ane other on Munday weekly, without any ground or warrant, within four mylls of the town at the north water bridge whilkis altogether destroys the touns marcats ; and sicklyck there are sewerall persons that dryve a trade of merchandizeing within three or four mylls of the town, to witt, John Davidsone, James Ross, Alexander Stronach, in the parochin of Aberlemno, James Patersone in the parochine of Oathlow, David Smart and David Curdean in the parochin of Tannadice, Alexander Allan in the parochin of Menmure, James Carnegie fiar of Cookstone and Francis Stevensone in the parochin of Breichin, John Downie in the parochin of Ballgais ; item, Roscobie a considerable burgh of barronie and regality ; item, Killiemuire a considerable burgh of barronie and regalitie, consisting of sexteen merchants and sewerall yearly fairs, and a considerable weekly marcat. As to ther particular trade it cannot be condescended on.

Charge from Whitsonday 1690 to Whitsonday 1691 years.

	LIB.	S.	D.
Imprimis, the comon milns rouped to . . .	540	0	0
Item, the comon customs to	313	6	8

BRICHEN.

	LIB.	S.	D.
Item, the weighhouse and fleshbooths to	120	0	0
Item, the comon grass	55	0	0
Item, the few deuties of the lands fewed out of the comon good	24	1	8
Suma est	1052	8	4

Discharge.

To the minister for ane yeard	10	0	0
Item, the schoolmasters sallarie yearlie	77	6	8
Item, the doctor of the schooll	23	6	8
Item, the touns clerk of sallarie	66	13	4
Item, the annual rent of 3700 marks resting be the towne to sewerall persons	148	0	0
Item, to the towns officers and drumers	100	0	0
Item, to the church officer for tolling the bell at ten acloack at night	4	0	0
Item, the towns equie	8	13	4
The few duty of the custom firlott and little milne	4	10	0
To the Earle of Panmuir of fewduty	1	10	0
To the comon sheep herd	25	12	0
To the touns particular agent at Edinburgh	20	0	0
To the touns theasaurers yearly sallary	13	6	8
To the expenses at the Trinitie fair yearly	33	6	8
	536	5	4

At Montrose the elleaventh day of September 1691 yeares. This and the preceeding padges is the trew conditione of the burgh of Brechine, both charge and dischairge, and is given up be the magistrats and clerk of the said burgh upon oath to the visitors appointed be the royall borrows for that effect and is signed by the saids magistrats and clerk day and place forsaid. *Sic subscribitur:* Francis Molliesone; Alex. Young, baillie; Geo. Spence, clerk.

BURGH OF IRVINE.

IRVINE.

Irvine, the second day of May j^m vj^c and nyntie two years. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissioners appointed be the convention of the royall borrowes for visiting the wholl royall burghs be west and south the river of Forth, the present magistrats and towne clerk of the burgh of Irvine, who gave in ane accompt of ther patrimonie and comon good, together with ane answer to the saids visitors instructions as followes:

1° As to the first article, it is answered that there comon good, *comunibus annis,* will extend to the sowme of 1,791 lib. 18s. Scots, and that ther debts will amount to 11,636 lib. 5d. whereof there is 4,133 lib. 13s. 4d. in dependance befor the parliament, being for the plack on the point in King James tyme.

2^{do} As to the second article, it is answered that they have no mortifications belonging to them.

3^{tio} As to the third article, its answered that they are no ways concerned therin, haveing a harbour of ther own.

4^{to} As to the fourth article, its answered that they are noways concerned therein.

5^{to} As to the fyfth article, its answered that they have produced ther thesaurers books for fyve preceeding years which is considered and stated in the answer tò the first article, and that ther equeis amounts to, with the clerks and other dewes, 17 lib. 10s.

6. As to the sixt article, its answered that these fyve preceding years all the forraigne trade they have hade is the particulars followeing, viz., ane ship of 70 tunn burden from France loadned with salt and brandie; item, another small veshell from France loadened with salt and brandie; item, another small veshell from Norway, loadened with tarr and daills, of burden about 30 tunns; and that they have exported about thritie pack of wooll or thereby yeirly for these two years bygone, each of which packs weighs about twelve stone; also about seaven or eight small barks, about 20 tunn the piece, loadened with victwall, the begining of the Irish troubles, anno 1689 and 1690, wherein there were some strangers concerned, and a fourth pairt of ane small veshell from Norway, there pairt of the loadening therof came to 600 daills; and ane other ship from France, of 70 tunns, loadened with salt, and a small litle brandie. And that ther inland trade is verie inconsiderable, and what they have is by retaill of some brought from Glasgow and other royall burghs, and that they have vented about a tunn of wine, seck, and brandie, each year, these fyve years bygone; and that they will consume about fourty bolls of malt, Lithgow measour weekly, and that they hade a small quantity about twelve dacres imported by strangers.

7. As to the seaventh article, its answered that they hade eight small ships, barks, and boats belonging to them, whose burden value and how imployed is conform to ane particular accompt in answer to this article given in wnder ther hands to the saids visitors, of which eight ships they have latly lost one.

8. As to the eight article, it is answered that they are concerned in matters of shipping in soe far it is mentioned in the above mentioned article, and that they are no other wayes concerned with unfree traders in matter of trade.

9. As to the nynth article, it is answered that ther cesses is pairtly payed by tax on ther inhabitants and pairtly out of ther comon good, as is at more length contained in ther answer to the nynth article.

10. As to the tenth article, it is answered that ther pairt of ther ministers stipends, schoollmaster, and other publict servants are payed and mantaineit out of ther comon good.

11. As to the elleaventh article, it is answered that all ther publict works are mantaineit out of ther common good.

12. As to the twelth article, its answered that these houses where the heretors themselves doe stay are not stented, and the remander posest be tenents payes monethly thrie pennies on each mark piece of rent by a stranger and two pennies by a freeman, and the rent of ther haill sett houses extends to 1621 lib. 13s. 4d., but of these there are a great many waist and that ther borrow aikers payes two pennies on each mark rent without any rebatement.

13. As to the thretteen article, it is answered that they have one yearly fair which begins the 8th and endest the 13 of August, wherof the Earls of Eglintowne are keepers, by ther deputs, fiscalls, and tenents, and have the one half of the customes; and they have tuo weekly marcats or fair dayes, and that the customes of the same are a pairt of ther comon good and soe stated in answer to the first article, and that ther are no other fairs in use to be held at the said burgh albeit by ther charter they have right to another which is no wont of use to be keeped.

14. As to the fourteenth article, its answered that the burghs of barronies and regalities lyeing within ther precinct are as followes, viz., one burgh of regality, Killwining ; and of barronies, Kilmarnock, Kilmaars, Newmilns, Stewartoun, Beeth and Largs, which are very prejudiciall to them in point of trade, and serve the most pairt of the countrey with goodes by retaill, and that ther houses are better and more of them then many royall burghs, particularly Kilmarnock which hath a comon good and keeps a marcat. A more particular [account] therof ther commissioner will represent to the nixt conventione of borrowes.

15. As to the fyfteenth article, it is answered that a litle caswall comon good accrewes to them by fines and burges admissione but not worth the mentioneing.

This is the trew accompt of the state and conditione of the said burgh of Irvine in answer to the forsaid instructiones, as it is given up upon oath by the saids magistrates and towne clerk, wndersubscryveing, to the best of ther knowledge and surest informatione they can have to the saides visitors, day and dait forsaid. *Sic subscribitur:* John Gray, baillie; James Mullivine, baillie ; Ja. Nisbet, dean of gild ; Jn. Hamiltoune, clerk.

BURGH OF JEDBURGH.

JEDBURGH.

[Jedburgh] the nynteen day of April j^{m} vj^{c} and nyntie two years. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissioners appointed be the royall borrowes for visiting the wholl royall borrowes be west and south the river of Forth, the present magistrats of the said burgh and ther towne clerk, who gave in ane accompt of ther patrimonie and comon good, together with ane answer to the saids visitors instructions as followes :

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JEDBURGH.

1. As to the first article, it is answered that they keep no thesaurers bookes but that ther comon good extends to, *communibus annis*, to the sowme of two thousand pounds Scots to ther best of ther knowledge. *Nota.* The towne rests of debt 20,000 lib. Scots, in pairt whereof ther three corne milnes and a walk milne are sett to ther creditors for ten years for payment of 10,000 lib. of the forsaid debt, and that the remander of there comon good will not defray the anuallrents of the rest of ther debts and pay the publict burdens, by fyve hundreth pounds yearly, which they will be oblidged to borrow.

2. As to the second article, it is answered that they have no mortificationes belonging to the towne councill, gildrie, or trades, except the principle sowme of 2,000 marks, the anwall rent wherof is punctwallie payed to the kirk theasaurer for the use of the poor of the parish and poor schoolars at the gramar schooll, conform to the will of the mortifier, and that they are no other maner of way imployed for ease of the burgh.

3. As to the third article, it is answered that the saids magistrats have produced to the saids visitors their elven, weights, measours for bear and whyt, and jugg, and that the saids magistrats declair they are conform to the trew standart.

4. As to the fourth article, it is answered that they are no wayes concerned therin, they haveing [no] seaport belonging to them and that ther neirest and most convenient is Leith.

5. As to the fyfth article, it is answered that the magistrats have produced ther councill bookes to the saides visitors, which hes been considered and stated by them conform to the first article, and that ther eiquies extends with ther clerks dewes and other chairges, *communibus annis*, to the sowme of twelve pownd Scots which is anwally payed.

6. As to the sixt article, it is answered that they have no forraigne trade in respect they are threttie mylls or thereby from any free seaport, ther inland trade consists most of skins and wooll and other smaller goodes, which they bring from Edinburgh, Glasgow, and other royall burghs, the value wherof they cannot condescend on, or what it might amount to yearly, and that the same is verie inconsiderable.

7. As to the seaventh article, its answered that they have no ships, barks, or boats belonging to them, in respect they lye at such a distance from any seaport.

8. As to the eight article, it is answered that they are not concerned in the partnership of any ships belonging either to burghs royall or barronie or regality.

9. As to the nynth article, its answered that ther cesses is payed by a tax on ther inhabitants.

10. As to the tenth article, its answered that they pay yearly to ther ministers fourty pounds, to the schoolmaster three hundreth and fyftie marks, and that the jailor, four officers, bellman, drumer, and pyper, have 200 lib. a

year amongst them, besiseds fyve pownd sterling to the shireff and two dollors a moneth to ther comon executioner, all which are payed out of the towns comon good.

11. As to the elleaventh article, it is answered ther church, ther bridge, within and without the toune, particularly the bridge of Ancrum, which is upon the water of Tewiot, and all ther other publict works are mantained out of the comon good.

12. As to the twelth article, it is answered that the greatest pairt of there houses are inhabited by ther respective heretors to whom they belong, and that ther is not above ten houses posest be stranger inhabitants, and that the wholl may pay about ane 100 marks or therby yearly, and that neither ther tenements of land nor trade is valued but ther taxation imposed according to the discretione of the stent masters.

13. As to the threteen article, its answered that they have four yearly fairs, which only containowes for the space of one day, and ane weekly marcat, and that the customes of both are a pairt of ther comon good and soe stated in the first article.

14. As to the fourteenth article, it is answered that ther magistrats have alreadie given in to the last conventione of borrowes ane exact accompt of all the burghs of regality, barrony, or other unfree traders within ther precinct, and that if the same be either amissing or defective they shall second it with another at the nixt conventione.

This is the trew accompt of the towns patrimony, comon good, and esteat of the said burgh, with the answers made to the visitors instructions, which are given up upon oath by the saides magistrats and ther clerk, undersubscryveing, to the saides visitors, day and date forsaid. *Sic subscribitur:* Adam Ainsly, provost; William Elliot, baillie; Tho. Porteous, baillie; Wa. Scott, baillie; Ja. Oliver, baillie; Adam Rutherfoord, dean of gild; Jo. Rutherfoord, clerk.

Burgh of Kirkcudbright.

Kirkcudbright.

Kirkcudbright the twenty fyfth day of Aprill j^{m} vj^{c} nyntie and two yeares. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissioners appointed be the royall burrowes for visiting the wholl royall burghs be south and west the river of Forth, the present magistrats of the said toun of Kirkcudbright, and ther toun clerk, who gave in ane accompt of ther patrimonie and comon good, together with answers to the saids visitors instructions as followes:—

1. As to the first article it is answered that ther comon good will amount, *communibus annis*, to the soume of 880 lib. Scots, and that ther debt will extend to 2260 lib. besides 183 lib. of ther borrow dewes, and that they contract yearly 300 lib. 3s. more then their comon good will defray.

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—
KIRKCUDBRIGHT.

2. As to the second article, it is answered that they have two mortificationes, one of 9,000 marks and ane other of 500 marks of principall, [the annualrent] whereof is payed for the poors use according to the will of the mortifier and no wayes imployed for ease of ther burgh.

3. As to the third article, it is answered that they are not concerned.

4. As to the fourth article, it is answered that they are not concerned, they having a harbour of their oune.

5. As to the fyfth article, it is answered that they have produced ther toune books wherby ther comon good is found as in the first article, and that ther eiquies with clerks dewes and other casualties extends, *comunibus annis*, to the soume of 17 lib. 6s. 8d. conform to ther dischairge.

6. As to the sext article, it is answered that they have no forraigne trade, and that ther inland trade is verie inconsiderable ; all they have they bring from Leith, Dumfreise, and other free burghs on horseback, and that they will consume about ane Hogshead of seck and brandie yearly, which they bring from Dumfreise, and they consume weekly nyne Lithgow bolls off malt.

7. As to the seaventh article, it is answered that they have no forraigne trade and that they have neither ship nor bark but only two ferry boats, which are sett yearly and stated in the answer to the first article as a pairt of ther comon good, but that they have a small boat of eight tunns newly bought for carieing there coalls but she hath never as yeit been imployed.

8. As to the eight article, it is answered that they are [not] owners nor pairtners of any ships belonging either to burghs royall of regality or barronie, and that they have no trade with unfree burghes.

9. As to the nynth article, its answered that ther cess is payed by a tax on ther inhabitants and heretors and that ther riding monie is payed out of the comon good.

10. As to the tenth article, it is answered that they pay to ther minister yeirly out of the comon good 183 lib., the rest of his stipend being payed out of the landwart parish, and that the schoolmaster and all other ther publict servants have 290 lib. yearly, out of the comon good.

11. As to the elleaventh article, its answered that ther wholl church and all other ther publict works are sustained and upholden out of the comon good.

12. As to the twelth article, it is answered that the most pairt of ther houses are inhabited and possest by ther respective herretors, and all the rest aither waste or ruinous, and that more then the half, and that each boll of bears soweing of ther borrow akers payes twenty nyne shillings yearly.

13. As to the threteenth article, it is answered that they have only ane yearly fair of one dayes containwance, the custome whereof will be about three pounds Scots, and a weekly fair, and both ther customes are a pairt of ther comon good and soe stated in answer to the first article.

14. As to the fourteenth article, its answered that they have only two burghs

Kirkcudbright.

of barronie and regality within ther precinct, viz., Monygaff and Prestoun, both inconsiderable as to ther trade.

This is the trew accompt of the state and condition of the said burgh of Kirkcudbright, in answer to the abovewritten instructions, given up be the magistrats and towne clerk of the said burgh, upon oath, undersubscriveing, day and dait forsaid. *Sic subscribitur:* Jo. Ewart, provost; John Macghie, baillie; George Meek, baillie; Jo. Gordon, clk.

Burgh of Wigtoune.

Wigetoune.

Wigetoune, the twenty sixt day of Aprile j^{m} vj^{c} and nyntie two years. Compeired James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissioners appoynted by the royall borrowes for visiting the wholl royall burghs be south and west the river of Forth, the present magistrats and toune clerk of the said burgh of Wigetoune, who gave in ane accompt of ther patrimonie and comon good, together with the answers to the saides visitors instructions as followes :—

1. As to the first article, it is answered that ther comon good will extend, *comunibus annis*, to the soume of 693 lib. 13s. 4d. and that ther debts amounts to the soume of 2051 lib. 13s. 4d.

2. As to the second article, it is answered that they have no mortificationes belonging to them.

3. As to the third article, it is answered that they are nowayes concerned therin.

4. As to the fourth article, its answered that in any occasione they have of trade they make use of ther own foot of ther water for ther harbour.

5. As to the fyfth article, it is answered that they have produced ther theasaurers and toun court books for fyve preceeding yeares, and that ther eiquies with ther clerks and other dewes amounts to 29 lib. 6s. 8d.

6. As to the sixt article, it is answered that they have no forraigne trade, and that ther inland trade is verie inconsiderable, and all they have is a retaill of goodes which they bring from Glasgow, Air and Dumfries, the value whereof will amount to 100 lib. sterling yearly or therby, and that they have not vented to ther knowledge above fyve tunn of French wyne these fyve yeares bygone, and that they vent about a hogshead of seck and a butt of brandie yearly, and that they consum about fourteen bolls of malt, Linlithgow measur, weekly.

7. As to the seaventh article, it is answered that they are neither ship, bark, or boat belonging to them as haveing no outland trade or convenient pairt.

8. As to the eight article, it is answered that they are not owners or partners of any ships, barks or boats, belonging either to burghs royall, of regality or barronie, or concerned any maner of way in matter of trade with unfree burghs.

9. As to the nynth article, it is answered that ther cess is payed by a yearly

tax on the inhabitants, heretors of ther tenements and borrow aikers, and ther trades.

10. As to the tenth article, its answered that they pay to ther minister 300 lib. yearly out of ther comon good, and that the schoolmaster, and all other ther publict servants, have yearly payed [them] out of the same 168 lib. and no other wayes.

11. As to the elleaventh article, it is answered that ther church, tolbooth, and all other ther publict works, commissioners charges to the parliament and borrowes, are all payed out of ther comon good.

12. As to the twelth article, its answered that the most of ther houses are inhabited by ther respective herretors to whom they belong, and that the most pairt of the rest are either waist or ruinous, and that they have no stranger inhabitantes, and that the rent of ther houses is twixt twentie four pound and twenty shillings Scots yearly.

13. As to the thretteen article, it is answered that they have four yearly fairs, the customes quherof are apairt of ther comon good and soe stated in the answer to the first article, and that they have no weekly marcat.

14. As to the fourteenth article, it is answered that they have only one burgh of barrony within six mylls of them, called Milligaff, whose trade they reckon inconsiderable, and hath only prejudged them as to ther weekly marcat.

15. As to the fyfteenth article, it is answered that they have some casuall comon good by ther fines or mort cloathes quheron they cannot condescend.

This is the trew accompt of the state and condition of the said burgh of Wigtoun, in answer to the abovewritten instructiones, as it is given up by the saids magistrats and town clerk undersubscriveing, upon oath, to the saids visitors, day and date forsaid. *Sic subscribitur:* Will. Coltrane, provost, Jo. Laffreise, baillie; Simon Gulline, baillie; Alexr. Campbell, clk.

BURGH OF PITTENWEEM.

PITTENWEEM.

Answers from the burgh of Pittenweem to the queries may be proposed by the commissionars appointed by the generall conventione to visit the royall borrowes.

1° The comon good of the burgh of Pittenweem is as followeth, viz. :—

	LIB.	S.	D.
The customes sett for	136	0	0
The grass maills and rents of the comone muires and braes will hardily be the best year	200	0	0

Nota.—The milns of Pittenweem, belonging to the Lord Anstruther, are fewed to the towne for payment of four chalders malt and bear yearly, and ther is only ane other chalder rin mett yearly payable to the toun which will not, *comunibus annis*, uphold the walls, rooff, doors, windowes, and lyeing gear of the two milns and kills, and soe no advantage but rather a loss to the toune.

REPORTS, 1692.

PITTENWEEM.

The touns debt dew on bond, bearing annual rent is as followeth, viz.,

	LIB.	S.	D
Dew to Patrick and George Lindsayes	666	13	4
To Metilda Adams in Dundie	200	0	0
To the kirk poors box	400	0	0
To Hellen Hamilton in Kirkcaldie	100	0	0
To Thomas Oliphant and Bessie Young	66	13	4
To Robert Law	133	6	8
To Marie Cleiland	100	0	0
This besides upwards of 500 marks oweing to some inhabitants	333	6	8
	2000	0	0

The annual rent of this 2000 lib. is yeirly	120	0	0
To the minister of mony yeirly	200	0	0
To the schoollmaster	100	0	0
Item, sett apairt for upholding the harbour	72	0	0
Item, for the tolbooth and bridge	28	0	0
Item, the towns equies and missive dewes *comunibus annis* will be at least	40	0	0
The officers and drumers wadges	30	0	0
The upholding of the kirk *comunibus annis*	20	0	0
The other incident charges will be *comunibus annis*	200	0	0

Soe ther will be at least yearly besyde the comon good to be payed furth four hundreth and fyfty four pounds Scots. This is stented upon the inhabitants yearly and collected with the cesses.

2. Ther are thrie mortificationes of aikers about the towne, one belonging to the sea poor box, one to the crafts box, and one to the kirk session box ; the rent of all which is above fyve chalders bear. This with the collectiones is bestowed totallie upon the poor of the burgh, besides what the inhabitants giveth weekly, soe the toun hes no ease therby of ther publict burdenes.

3. The third article concerning Jedburgh needs no answer.

4. The fourth article requireth no answer from this burgh.

5. The theasurers accompts and equies for fyve preceeding yeares produced.

6. As to the forraigne and inland trade, ther is non in this place, the inhabitants being served in wyns and other comodities from Edinburgh and other places ; and as to the vent of wynes ther is only now one taverne in towne these (*blank*) yeares bygone. There were tuo or three these for fyve years backward could not vent yearly tuo tunns of wyne and now hardly half a tunn. As to the consumptione of malt ther will hardly be betuixt thretie or fourtie [bollis] malt made use of in the moneth.

7. As to ships, there are only two ships, whereof William Bell and Thomas Whyt are masters, the one 70 tunns and value 700 lib., the other 90 or 100,

value 250 lib. sterling, all except one sexteen pairt of everie one belonging to the masters pertaineing to and imployed by the merchants of Edinburgh. There is also ane litle catch, wherof James Cook is master, belonging to James Cook, present baillie, about 55 tunn, value 100 lib., imployet for the most pairt be merchands in other places. The names of these ships are Sophia, Mary and George. There are no barks, boats, or ferrie boats belonging to this place, only the number of six small lyne boats who slayes whyt fish in the summer and winter, and goe to dreave at Lambas when ther is any tack of herringes, the owers wherof these sewerall years past are great loosers and have no benefeit, and the poor fishers in winter live on charitie.

8. Ther are non within this burgh that are owners of any ships or other veshells belonging to other burghs or townes, except James Cook, baillie, who hath ane sexteen pairt of Thomas Cook, skipper, in the burgh of barronie of Elie.

9. As to the payment of the cess imposed upon this burgh, it is payed by stent on the inhabitants and houses of the towne, and no pairt of it on the comon good, as may appear be the answer to the first article.

10. As to the tenth, the minister, precentar, and schoolmaster, and all other publict servants stipends and sallaries are payed, after exhausting of the comon good, by taxatione on the people, and the greatest pairt of the ministers stipends out of the teynds of the paroch. *Nota.* The answer to the first article clears thus.

11. The whole publict works are mantainit out of the small comon good and be stent upon the inhabitants, and the harbourie being the greatest concerne in the town both for the safety of ships and boats and for defending the houses on the shoar for the violence of storms, is now in a most lamentable conditione, needing great reparatione and the burgh not able to do it.

12. As to the houses in the towne, they are in so bad a conditione and that the great third pairt are either ruinous or these that are in repair (which are the best houses in the towne) are standing void without any inhabitant and these that are inhabited the best of them will not extend to 16 lib. Scots of maill yearly, and ther are no strangers liveing within the burgh.

13. As to the fairs and publict marcats, ther is only one fair on the 22 Jully yearly. The greatest comoditie sold therein is wooll and the custome of all will not be 20 lib. Scots which is a pairt of the 136 lib. custome. There is no weekly marcat here, but the inhabitants are served out of Anstruther Easter ther weekly marcat.

14. As to the burghs of barronie and regality within the precincts of this burgh, there are none, except Elie who have a good harbour, some shiping and trade. The houses are pretie good and the towne indifferent populous. There is also Saint Monance who have only fish boats, and the inhabitants who are populous and have good houses have ther livelyhood by ther fishing and labouring of land.

Reports, 1692.

Pittenweem.

Pittenweem the 17th September 1691. This is the trew accompt of the condition of the said burgh, given up by the magistrats and towne clerk, upon oath, to the visitors appointed by the royall borrowes for that effect, and is subscrivit by the saides magistrats and town clerk, day and place forsaid. *Sic subscribitur:* Ja. Cook, Alexr. Flokert, Rot. Smith, clk.

Burgh of Dumfermling.

Rentall of the comon good of the burgh of Dumfermling anno 1690.

Dumfermling.

	LIB.	S.	D.
Imprimis, the customes of sex fairs	290	0	0
Item, the customes of the shoe marcat	26	13	4
Item, the hand bell	69	0	0
Item, the pennie maills, annualls and stallange, after deductione of rouinous houses, extends yearly to about	25	0	0
Item, the grass of the towne green	29	0	0
Item, the grass of the loan	10	0	0
The lands possest be Kathrine M'Grigor pays	17	0	0
Item, John Bryse	52	16	8
Item, be Robert Hendersone	36	14	0
Item, be James Walls	25	6	0
Item, be John Stewart	25	8	0
Item, be Patrick Allan and David Turnbull	23	12	0
Item, be John Cumine	9	0	0
Item, be the relict of vmquhill Thomas Elder	1	10	0
Item, be John Willsone	7	13	4
Item, be William Cuninghame	14	8	0
Item, be William and Alexander Kirks	14	6	8
Item, be James Adiesone	6	16	0
Item, be William Peirsone	9	0	0
Item, be Robert Peirsone	9	0	0
Item, be John Maine	24	0	0
Item, be Henrie Watsone	15	0	0
Item, be Jerom Cowie	2	0	0
Item, be David Chrystie	10	13	4
Item, be John Angus	77	0	0
Item, be George Aird and Androw Malloch	39	6	8
Item, be Henrie Russall	18	0	0
Item, rent Daws Dean dealls	123	0	0
Item, teind haill comon lands, being 16 bolls 3 pecks 3 lippies bear, at 7 lib. 10s per boll is	121	13	10
Item, the house in the mure possest be Michael Andersone	4	0	0
Summa est	1106	17	10

DUMFERMLING.

Accompt of annwallrents, stipends, sallaries, fies, and others payable yearly furth of the said comon good of Dumfermline.

Imprimis, principall sowmes paying annuall rents dew be the burgh to the creditors followeing, all at 6 per cent., except Aitkins 700 marks for which they pay only 5 per cent.

Creditors.	Marks.	Creditors.	Marks.
Patrick Turnbull	700	Eupham Watts . . .	100
Mr Peter Kennedie . . .	573	John Bountein . . .	200
David Adie	400	John Andersone . . .	500
Issobell Dewar	500	David Horne	150
Representatives, William Brown	600	Janet Mitchell and daughter .	1900
John Adie	1000	John Aitken	700
Josbell Turnbull	500	Margrat Phillan . . .	900
Representatives, Hellen Watson	500	Margret Cochrane . . .	450

	LIB.	S.	D.
The saids principall sowms, extending to 9673 marks, the yearly annuall rents therof payable out of the said comon good gives	382	5	0
Item, the first ministers manse maill	40	0	0
To the second ministers stipend, the towns proportion . .	133	6	8
To the master of the gramar schooll his sallary . . .	140	0	0
To the doctor of the gramar schooll his sallary . . .	73	6	8
To the master of the musick schooll his sallarie . . .	60	0	0
Item, Broun and Honimans annual rents payable to the poor .	16	0	0
Item, the towns equei to the King, 6s per annum, but the dews of the exchequer maks it yearly to amount to about .	11	0	0
Item, feu deuty to the Earle of Twedale	8	13	4
The teinds of our comon lands, being 18 bolls bear, at 7 lib. 10s per boll is	135	0	0
To our proportion borrow dewes	36	11	0
To the thesaurers fie	26	13	4
To the clerks fie	26	13	4
The procurator fiscalls fie	4	0	0
The towns agents fie	13	6	8
The three officers fie	36	0	0
The drumers and pypers fies	32	0	0
	1154	16	0

Memorandum. The burgh is subject to severall incident chairges and debursements wherof no liquidat soume can be particularized and are such as followes, viz., the expences of commissionars to conventiones of esteates, to parliaments, to conventiones of borrows, convention of the shire, and severall other publick meetings, outreek of malitia and baggage horse expences, keeping

DUMFERMLING.

guairdes, reparationes of church, tolbooth, highwayes, and severall other publict works, keeping the cloack, charitie to the poor.

Thir two padges, with the above memoriall, is the just and trew accompt of the condition of the burgh of Dumfermline, given up by the magistrats and towne clerke, upon oath, to the visitors, and subscrived by the saids magistrats and clerk the first day of August 1691 yeares. *Sic subscribitur:* Jo. Chalmer, David Adie, Tho. Sympsone, clk.

BURGH OF ANSTRUTHER WESTER.

Answers for the burgh of Anstruther Wester to the queries may be proposed be the commissioners appointed by the royall burghs.

ANSTRUTHER WESTER.

	LIB.	S.	D.
The comon good is payable be the comon lands called Billaness yeirly 10 bolls bear, at 4 lib. per boll, *comunibus annis* .	40	0	0
The grass of Billaness and Braes payes yearly . . .	16	0	0
The customes payes yearly	6	0	0
The fish teynds	18	0	0

Debts due be the burgh on bond.

Imprimis, to the kirk session poors box . . .	1000	0	0
Item, to the sea box poor on infeftment . . .	400	0	0
Item, to the mortcloathes box	100	0	0
Item, to Henrie Smith	266	13	4
Item, to Grisell Utting	200	0	0
Item, to Peter Oliphant	200	0	0
Item, to Mr David Taillors relict	400	0	0
Item, more to her be decreit	333	6	8
Item, to John Guthrie	100	0	0
Item, to Peter Sanders	50	0	0
	3050	0	0

The annual rent therof yeirly is	183	0	0
Item, payable yeirly to the minister	133	6	8
Item, to the schoolmaster	33	6	8
Item, to the officer	12	0	0
Item, for upholding the kirk, bulworks, bridge, and other comon works	40	0	0
Soe ther will be yearly paid furth and imposed on the inhabitants be stent	331	13	4

There are no mortificationes, no publict fairs or weekly marcats, no shipes, no fish boats except one, no merchants, noe trade.

At Anstruther Wester the 17 September 1691. The magistrats and toun clerk have given up the samen upon oath, and have subscrivit it with ther hands day and place forsaid; except the fourt pairt of ane bark and ane other of four last. *Sic subscribitur:* William Scott, Rot. Smith, clk.

Burgh of Selkirk.

Selkirk.

Selkrig, the twentieth day of April j^{m} vj^{c} nyntieth and tuo yeares. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed be the royall borrowes for visiting the wholl royall burghs besouth and west the river of Forth, the present magistrats of the said burgh of Selkirk and ther towne clerk, who gave in the accompt of ther patrimonie and comon good, together with ane answer to the saids visitors instructiones as followes:

1. As to the first article, it is answered that ther comon good extends yeirly, *comunibus annis*, to the sowme of 2242 lib. 13s. 4d. these three years bygone, and that ther debts extends to the sowme of 25,323 lib. 15s. 4d. Scots of principall sowmes dew by bonds.

2. As to the second article, it is answered that they have no mortificationes belonging either to ther town councill, gildrie, or trades.

3. As to the third, it is answered that they are not concerned therein.

4. As to the fourth article, it is answered that they are not concerned therein, being within 25 mills of a free seaport and ther most convenient is Leith.

5. As to the fyfth article, it is answered that the magistrats have produced three years preceeding thesaurers accompts to the saids visitors, which hath been considered by them conform to the first article, and that ther eiquies extends yearly with the clerks dewes and other charges to the sowme of 14 lib. 14s. Scots, which is anwally payed by the saids magistrats.

6. As to the sixt article, it is answered that they have no forraigne trade, in respect they leive at such a distance from any seaport, and that they have no inland trade save only ther shoomakers who buyes rough hides and works and retaills the samen in shoes; and that they have retailled only two peice of French wine these fyve years bygone, and ther seck and brandie soe inconsiderable that it is not worth the nameing and that they consume weekly of malt to the best of ther knowledge about ten bolls.

7. As to the seaventh article, it is answered that they have no ships, barks, or boats belonging to them in respect they lie at such a distance from any sea port.

8. As to the eight article, it is answered that they are nowayes concerned therin in mater of shipping, nor have they any partnership of any ship with any burghs, whether royall, of regality or barrony, nether are they concerned in trade with burghs of regality or barronie.

SELKIRK.

9. As to the nynth article, its answered that a part of ther cess is payed by tax and ane other part out of the comon good by reason of the poverty of ther inhabitants.

10. As to the tenth article, it is answered ther ministers stipends is payed by the herretors of the parrochen, and that the schoolmaster and all other ther publict servants are payed out of the comon good, and that the samen extends to 323 lib. 10 s. Scots.

11. As to the elleaventh article, it is answered that all ther publict works are mantained and supported out of the comon good, ther inhabitants being soe mean and poor that they are necessitat to contract 500 marks yeirly of debt or therby.

12. As to the twelth article, it is answered that the greatest pairt of ther good houses are inhabited by ther respective herretors to whom they belong, and that they have no stranger inhabitants, and that the best of ther houses payes only fourty two pownds yeirly, and the rest betuixt that and fourty shillings Scots, and that ther land is not valued but that ther houses and trade are stented according to the discretion of ther taxmasters.

13. As to the thretteen article, it is answered that they have fyve yeirly fairs which only containows the space of one day, and a weekly marcat, and that the customes of both are a pairt of ther comon good and soe stated in answer to the first article.

As to the fyfteenth article, it is answered that they only have one burgh of barronie within ther precinct called Gallowshiells, which they reckon very inconsiderable they haveing noe trade.

This is the trew accompt of the towns patrimony, comon good and state of ther burgh, with the answers made to the visitors instructiones, which are given up, upon oath, by the saides magistrates and ther towne clerk, wndersubscrybeing, to the saides visitors day and dait forsaid. *Sic subscribitur :* Ja. Mitchellhill ; Rob. Scott, baillie ; Tho. Halliday, clerk.

BURGH OF DUMBARTOUNE.

DUMBARTOUNE.

Dumbartoune, the fourth day of May j^{m} vj^{c} nyntie and tuo years. Compeared befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed be the convention of the royall borrowes for visiting the wholl burghs royall be west and south the river of Forth, the present magistrats and towne clerk of the said burgh of Dumbartoune, who gave ane accompt of ther patrimonie and comon good, together with ane answer to the saides visitors instructiones, as followes :—

As to the first article, it is answered that ther comon good, *comunibus annis,* amounts to £1343, 6s. 8d., besides the sowme of ane hundreth and threttie pounds of small customes yearly for mantaineing of ther water works, and that

DUMBARTOUNE.

ther debts dew be bonds consists of nyne thousand marks Scots monie of principall.

2. As to the second article, it is answered that they have no mortificationes belonging to them save some to ther poor and kirk sessione.

3. As to the third article, it is answered that they are no wayes concerned therin.

4. As to the fourth article, its answered that they are not concerned therin haveing a harbour of ther own.

5. As to the fyfth article, it is answered that they have produced ther theasaurers bookes for preceeding years whereout the commissionars have found the ballance of these years to be as followes :—Imprimus from 1686 to 1687, the theasaurer is supperexpended the sowme of 920 lib. 3 s. 7 d. Scots mony ; item, from 1687 to 1688, the theasaurer is supperexpended the sowme of 518 lib. ; item, from 1688 to 1689, the theasaurer is supperexpended the sowme of seaven pownd ten shillings ; item, from 1689 to 1690, the theasaurer is supperexpended the sowme of sixtie seaven pownd 6 s. and 8 d. ; item, from 1690 to 1691 the theasaurer is supperexpended the sowme of one hundreth and fyfty one pound fyve shillinges one pennie Scots ; and that ther equies with clerks and others dewes extends to the sowme of 18 lib. 7s.

6. As to the sixth article, it is answered that they have no forraigne trade, and all there inland trade consists of some small goodes they retaill from Glasgow and other royall burghs of ane inconsiderable value, and that they have vented fyve years bygone about ane hogshead and ane half of French wynes and a hogshead of brandie, and that they vent and consume weekly about four bolls of malt or therby.

7. As to the seaventh article, its answered that they have no ships, barks, or boats belonging to them, except a litle small bark of twenty four tunns about the value of ane thousand marks, and is employed by Glasgow merchants and other strangers, and three small herring boates ane hundreth marks value one with another.

8. As to the eight article, it is answered that they are neither owners nor partners of any shipes, barks, or boats belonging either to burghs royall, of regality or barronie, nor are they concerned in trade with unfree burghs.

9. As to the nynth article, its answered that ther cess is mostly payed out of the comon good and the rest by a tax on the ablest inhabitantes.

10. As to the tenth article, its answered that ther minister is payed out of the teynds, and that ther schoolmaster, advocats, agents, commissionars chairges, and all other ther public servants, are payed out of ther comon good.

11. As to the elleaventh article, it is answered that all ther publict workes are mantainit and upholden out of the comon good.

12. As to the twelth article, it is answered that the most pairt of ther houses are inhabited by ther respective heretors, and the rent of ther best and

Dumbartoune.

warst will be tuixt fourty pounds and four marks, and that they have no stranger inhabitants, and that a great pairt and many of ther best houses are waste.

13. As to the thretteenth article, it is answered that they have tuo yearly fairs, each of two days containwance, and a weekly marcat, the customes of all which are a pairt of ther comon good and accordingly stated in answer to ther first article.

14. As to the fourteenth article, it is answered that they have tuo regalities, Kilpatrick and Kilmarnock, and two barronies, Kirkintulloch and Cambernald, which burghs are highly prejudiciall to ther trade.

15. As to the fyfteenth article, it is answered that they have no casuall good accrewes to them but what is a pairt of ther comon good as in answer to the first article.

This is the trew accompt of the state and conditione of the said burgh of Dumbartoune, in answer to the abovementioned instructiones, as it is given up, upon oath, by the saids magistrats and towne clerk, undersubscryveing, to the best of ther knowledge and surest informatione they can have, to the saids visitors, day, place and year of God abovewrittin. *Sic subscribitur :* W. Craig, provost; Rob. Duncanson, baillie ; Ro. Mitchell, baillie ; Wm. Campbell, dean of gild ; Jo. Macalpine, clerk.

Burgh of Rhenfrew.

Rhenfrew.

Glasgow, the fyfth day of May j^{m} vj^{c} and nynty two years. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed by the convention of royall borrowes for visiting the wholl burghs royall be west and south the river of Forth, the present magistrats and towne clerk of the burgh of Rhenfrew, who gave in ane accompt of ther patrimony and comon good, together with ane answer to the saids visitors instructiones as followes :—

1. As to the first article, it is answered that there comon good, *comunibus annis*, amounts to the sowme of 581 lib. 14 s. Scots, and that ther debt amounts to 6784 lib. 13 s. 4 d.

2. As to the second article, it is answered that they have no mortificationes.

3. As to the third article, it is answered that they are not concerned therein.

4. As to the fourth article, it is answered that they are not concerned therein haveing a river sufficient for there trade.

5. As to the fyfth article, it is answered that they have no theasaurers bookes, but by ther accompts the commissionars have found them superexpended yearly 192 lib. 11 d. for which they are forced to stent ther inhabitants, and that ther eiqueies and clerks with other dewes will extend to 15 lib. Scots, which is annwally payed.

6. As to the sixth article, it is answered that they have no forraigne trade,

ther being no persons of any stock amongst them, and that there inland trade is not worth the nameying, not having one merchants shop within ther burgh; all they have consists of some green herring they bring from the lochs to Glasgow for serveing the countrey, and that they vent nor retaill no wine nor seck within the burgh, and what brandie they vent they bring it from Glasgow in gallons and half gallons, and that the consumption of ther malt will be about four bolls weekly.

7. As to the seaventh article, it is answered that they have no ships nor barks, but twentie four boats of burthen betuixt three and fyve tunns, imployed for carieing herring from the forsaids lochs, about ane hundreth marks the piece of value one with another, and two other boats of a greater seize, imployed for makeing of salt herring, from 12 to 15 tunns of burthen, and about four hundreth marks the piece of value one with another.

8. As to the eight article, it is answered that they are neither owners nor pairtners of any ships, barks or boats belonging to burghs royall, of regalitie or barronie, nor are they concerned in matter of trade with unfree burghs.

9. As to the nynth article, it is answered that ther cess is payed by a tax on ther inhabitants.

10. As to the tenth article, it is answered that there ministers stipends is payed out of the teynds of the burgh and paroch, and that their schoolmasters are payed out of the comon good, as also all other ther publict servants are payed out of the same.

11. As to the elleaventh article, it is answered that all ther publict works are supported out of the comon good.

12. As to the twelth article, it is answered that most of ther houses are inhabited by ther respective heretores and the rents of the rest will be tuixt twenty marks and fourtie shillings Scots the best and worst, and that they have no stranger inhabitants.

13. As to the thretteenth article, it is answered that they have two yearly fairs, albeit ther gift gives them right to a third, the customes whereof are a part of ther comon good and so stated in answer to the first article, and that they have no weekly marcat.

14. As to the fourteenth article, it is answered that they have within ther precinct the particular burghs of barronie and regality afterspecifeit, viz., Paisly, Kilbarchan, Houstoune, Kilmacrom, Newark, Carsedyck, Greenock, Innerkeip and Gourack, all which are in a flourishing conditione and have a considerable retail and that the worst of these have a much more considerable trade then themselves, a more particular accompt whereof they shall at more length represent by ther commissioner to the next generall conventione of borrowes.

15. As to the fyfteenth article, it is answered that ther fewes are insert in ther comon good and ther fynes are inconsiderable, not worth the mentioneing, and that ther burgers admissions are as inconsiderable, nor make they any but such as reside in ther towne.

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Rhenfrew.

This is the trew accompt of the state and conditione of the said burgh of Rhenfrew, in answer to the saides visitors instructiones, as it is given up upon oath be the saids magistrats and towne clerk, to the best of ther knowledge and surest informatione they can have, to the saids visitors, place, day and dait forsaid. Witness ther subscriptiones. *Sic subscribitur:* David Pollock, provost; W. Scot, baillie; Wm. Cochrane, clerk.

Burgh of Dumbar.

Dumbar.

Dumbar, the eighteen day of Aprill j^m vj^c and nintie tuo years. Compeared James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed by the royall borrowes for visiting the wholl southerne and westerne borrowes be south the river of Forth, the present magistrats of the said burgh, who gave in the accompt of ther patrimony and comon good as followes :—

1. First article, answered that the reall comon good extends to 1388 lib. 13 s. 4 d., and that their casuall rent extends to 576 lib. 16 s. 8 d., but that it will not amount to that *comunibus annis*, as to the reall rent. *Nota.* That ther is resting to the towne of Dumbar, besides the comon good abovementioned, the sowme of 5431 lib. 6 s. 8 d., whereof there is desperate 3499 lib. 6 s. 8 d. resting be ther owne decayed burgeses.

2. Second article, answered they have no mortificationes save only the principle soume of 100 lib. Scots, the annwall rent whereof is yearly distribute to the poor of the said burgh according to the will of the mortifier.

3. Third article, answered the towne is not therin concerned.

4. Fourth article, neither are they concerned in it.

5. Article fyfth, answered by production of ther bookes to the visitors which are considered by them.

6. Sixt article, answered as to the first pairt therof that for three years bygone they have had no forraigne trade, save a litle in gross, the deutie whereof would have amounted to 100 lib. Scots, and that for the wholl three yeares, and that they have no inland trade, and as to the second pairt thereof of all sorts of wines they will not vent above three hogsheads yearly, and they will vent and consum about eighteen bolls of malt weekly in this town and precincts thereof according to the best calculation they can make.

7. Seaventh article, answered that they have no ships, barks, boats or ferrie boats belonging to them, except two small barks, the one of eighteen tunns called the Margret of Dumbar, James Osburne, master, about the value of 1000 marks, and that the other of burthen about 12 tunns, Alexander M'Leish is master, worth about 300 markes, imployed both as coall boats for bringing coalls from the Forth, and that they [have] about 16 or 17 herring boats which proves extraordinarie unprofeitable by the decaying of ther herring fishing.

Dumbar.

8. Eight article, answered that they have no part of ships, barks, or boats belonging to burghs of barronie or regality wherof they are pairtners, nor any pairt of ships belonging to burghs royall without ther owne to their knowledge, except a six pairt of a ship belonging to one of ther burgers, wherof Mathew Andersone in Kirkcaldie is master, which hes been amissing these three years bygone.

9. Nynth article, answered that ther cess is payed by ane annuall tax on ther inhabitants of the burgh and such others who hath borrowes acres belonging to the towne.

10. Tenth article, answered their ministers stipends is payed out of the teynds and all others contained in the said article are payed out of the comon good which extends yearly to 898 lib. 9 s.

11. Elleaventh article, answered that all the publict works are mantained and upholden by the comon good and by a tax on the inhabitants.

12. Twelth article, answered, that the most pairt of the houses of the towne are inhabited by the herretors to whom they belong, the rent of the rest inhabited by others is verie mean and inconsiderable, and that at leist a third pairt of the houses of the toune are inhabited or ruinous.

13. Threteenth article, answered that they have only one yearly fair, and that the same stands the space of two dayes, and that the customes therof extends to 19 lib. Scots and is stated as a pairt of the comon good, and only one weekly marcat day.

14. Fourteenth article, answered that they know no burghs of barronie or regality prejudiciall to them, except Haymouth, whereof they take speciall notice, the principle traders whereof have made themselves burgers and have their domiciles and bear ane equall burthen with the rest of the burgars. For the state of the houses of the said toune they can give no other accompt then what is aforsaid.

This is the trew accompt of the state and condition of the said burgh given up, upon oath, by the present magistrats, undersubscryveing, to the visitors abovenamed, day and dait forsaid. *Sic subscribitur:* Ro. Kellie, baillie; Robert Kirkwood, baillie; Wm. Brysone, theasaurer; Will. Kirkwood, clerk.

Burgh of Lanerk.

Lanerk.

Lanerick, the nynth day of May j^{m} vj^{c} nyntie and two yeares. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed be the conventione of the royall borrowes for visiting the wholl royall burghs be west and south the river of Forth, the present magistrats and towne clerk of the said burgh of Lanerick, who gave in ane accompt of ther patrimonie and comon good, together with ane answer to the saids visitors instructiones, as followes :—

Lanerk.

1. As to the first article, it is answered that ther comon good, *comunibus annis,* will amount to 1550 lib. Scots, and that ther debts extends to the sowme of 5920 lib. monie forsaid.

2. As to the second article, it is answered that they have no mortificationes.

3. As to the third article, it is answered that they are not concerned therein.

4. As to the fourth article, it is answered that they have no seaport nor occasion for it.

5. As to the fyfth article, it is answered that they have produced their theasaurers bookes for fyve preceding yeares which hes been considered be the saides visitors as in answer to the first and have found by the ballance of the saides fyve yeares at the adjusting of ther accompts for 1691 ther theasaurer debitor to them in the sowme of three hundreth pounds Scots, and that ther eiquies with clerks and other dewes extends to fourty eight pounds Scots mony which is annuallie payed.

6. As to the sixt article, it is answered that they haue no forraigne [trade] and that ther inland trad consists of fourty pack of wooll they vent yeirly or thereby and some inconsiderable trade they have by retailling goodes which they bring from Glasgow, Lithgow, and other royall burghs, and that they vent about a tunn of French wine or therby yearly, and ane inconsiderable quantity of seck and brandie, and that they vent and consume about eighteen bolls of malt weekly.

7. As to the seaventh article, it is answered that they have no ships, barks, boats, or ferrie boats belonging to them.

8. As to the eight article, it is answered that they are neither owners nor pairtners of any ships, barks or boats belonging either to burghs royall, of regality or barronie, nor are they concerned in trade with unfree burghs.

9. As to ninth article, that ther cess is paid by a tax on ther inhabitants.

10. As to the tenth article, it is answered that their ministers stipends is payed out of the teinds of the paroch, and that ther schoolmaster and all others ther publict servants are payed and mantained out of the comon good.

11. As to the elleaventh article, it is answered that ther publict works are supported and mantained out of the comon good.

12. As to the twelth article, it is answered that the houses are in reasonable good conditione, and that the rents of the best and warst of ther houses will be twixt eighteen pounds and sex poundes, and that they haue few or no houses inhabited by strangers.

13. As to the threteenth article, it is answered that they haue four yearly fairs, each of two dayes containwance, and a weekly marcat, the customs of all which are a pairt of ther comon good as in answer to the first article.

14. As to the fourteenth article, it is answered that the following burghs of barronie and regality are within ther precinct, viz., Hamiltoun, Steven, Stounehouse, Lesmahego, Carlock, Carnwath, Carstairs, Douglass, Roberttowne, Bigger, Lamingtoun, Craufurd and Craufurd John, who haue all weekly marcats and

Lanerk.

sewerall fairs of great value, and the house rents and trade of most of them are better then ther owne.

15. As to the fyfteenth article, it is answered that ther fynes, burgers admissions, and other casualties are but inconsiderable and applyed for the use of the burgh.

This is the trew accompt of the state and conditione of the said burgh of Lanerk in answer to the aboue writtin instructiones, as it is given up, upon oath, by the saids magistrats and toune clerk, undersubscryveing, to the best off ther knowledge, to the saids visitors, place, day and dait forsaid. *Sic subscribitur :* Ja. Weir, bailly, Rob. Huntar, baillie, R. Dick, clk.

Burgh of Aberbrothock.

Aberbrothock.

Ane accompt of the yearly rent of the comon good of the burgh of Aberbrothock :—

	LIB.	S.	D.
Imprimis, the yearly annual rents, comon fauld deuties, new muir lands, loch mealls, Berrie Faild, Kings mealls and teind lint silver	198	9	3
Item, the miln mealls	133	6	8
Item, the shoar dewes casuall ordinarily . . .	133	6	8
Item, the land customes casuall ordinarily . . .	50	0	0
Item, the comon grasses ordinarlie	128	0	0
Item, of land rent	27	0	0
Item, of the annual rent of four hundreth marks dew upon David Esplens house	16	0	0
	686	2	7

Debts and burthen upon the comon good of the burgh of Aberbrothock, besides the yeirly repairing of the harbour and other incident chairges upon the burgh.

Imprimis, to Mr James Rait by bond 1000 lib. of principall, annual rent	60	0	0
Item, to David Scot per bond 1000 marks annual rent . .	40	0	0
Item, to James Mudie per bond 400 marks of principall, annuall rent thereof	16	0	0
Item, to James Fraser of Kirktoune per bond 100 lib. of principall, annual rent is	6	0	0
Item, to the minister for house rent	56	13	4
Item, to the schoollmaster	46	13	4
Item, to the doctor	24	0	0
Item, to the man that attends the cloack . . .	20	0	0

ABERBROTHOCK.

	LIB.	S.	D.
Item, to the toune officers	30	0	0
Item, to the drumer	13	6	8
Item, to the touns agent at law	30	0	0
Item, for the equie to the exchequer	10	0	0
	352	13	4

At Aberbrothock the elleaventh day of September j^{m} vj^{c} nyntie one years. This is the just and trew accompt chairge and dischairge of the comon good of the said burgh, given up be the magistrats and towne clerk, upon oath, to the visitors appointed by the royall borrows for that effect and signed by the saids magistrates and towne clerk day and place forsaid. *Sic subscribitur:* Will. Aughterlonie, James Stevinson, Ja. Dalgetty, clk.

BURGH OF ELGINE.

ELGINE.

Compt of the comon good of the burgh of Elgine payable into the samen in manner underwritten.

Imprimis, the customes one year with another	200	0	0
Item, furth of the aughten parts and Greeship lands holden of the said burgh of few deutie, there being three score aughten pairts and each aughtein part paying yearly of few deuty 14s. 2d., inde	44	12	6
Item, furth of the lands of Barflethills yearly of few deutie	33	6	8
Item, furth of the lands of Mosstowie of fewduty	10	13	4
Item, furth of the half of Croftnoy and tofts of old milns yearlie	0	13	4
Item, furth of the other half of Croftnoy, Palmerbutts and Officers Riggs	1	9	4
Item, furth of Blackfrier hauch and manse therof	4	6	8
Item, furth of Bailliefeild and Blacklogie	5	0	0
Item, furth of the school aiker	0	10	0
Item, furth of the Lyperland	3	0	0
Item, furth of the Spittell Croft	0	6	8
Item, furth of Glasgreen and Muirtack	3	13	4
Item, furth of Divillie green and Three Crooks	16	6	8
Item, furth of the milne croft	0	1	0
Item, furth of Kempsaiker	2	10	0
Item, furth of the ronrig in Ballinshaugh	0	1	0
Item, furth of the Goosenook, Mariewell and Calsward	3	6	8
Item, furth of the peice ground betuixt the water of Lossie and tofts of old milns	1	17	8
	331	14	6

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Elgine.

Compt of what is yearly payable furth of the lands holden of the Preceptorie of Messenden, mortified be the Kings and Queens of Scotland to the said burgh.

	LIB.	S.	D.
Imprimis, furth of the lands therof yearly	66	13	4
Item, furth of the lands of Nethermanbeins and hauch thereof yeirlie	16	6	8
Item, furth of the lands of Bogsyde yearly	6	0	0
Item, furth of the lands of Overmanbeins	6	0	0
Item, furth of the lands of Kirkedds	20	0	0
Item, furth of the lands of Easter and Wester Pettinsears	13	6	8
	128	6	8

Compt of the discharge of the comon good and mortificationes of the burgh of Elgine and how the samen wes expended, anno 1687.

Item, payed out to the masters of the gramar and musick schools as their yearly sallary and for ther chamber maills	176	13	4
Item, payed out to the drumer as his yeirly sallarie, and for a coat to him and mantaineing of the drum, and for the officers coats and service done be them	65	0	0
Item, to advocats and agents for attending the towns affairs	40	0	0
Item, paid for the touns eiquei the said year	22	0	0
Item, payed out for the towns misive dewes for the said year which is included in the discharge for the year 1688	63	2	0
Item, for coall and candle to the guaird	13	6	8
Item, to the church beddells for ringing the bell each evening and morneing and attending the towns cloack	24	0	0
Item, spent on the Kings birthday	14	0	0
Item, payed to the mershall as his fie and for his cloathes	28	0	0
Item, to baillie Grant for attending the convention of borrowes the said year and for dilligence done be him at the said convention in procureing ane ordor for visiting the trade of this burgh	114	0	8
Item, expended in convening these commissionars that were appoynted be the convention of borrowes for visiting the trade of this burgh, and spent with these commissionars at the makeing of their report thereanent	130	0	0
Item, expended in procureing the gift anent the harbour at Elgins head, and given to Mr Bruce, ingeneir, and the commissionars expences in goeing south to get the said gift	700	0	0
	1390	2	8

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Elgine.

	LIB.	S.	D.
The dischairge of the comon good and mortifications of the said burgh of Elgine the year 1688 extends to the sowme of .	1127	8	0
The dischairge of the said comon good and mortificationes for the year 1689 extends to the sowme of . . .	2085	19	4
The dischairge of the said comon good and mortificationes for the year 1690 extends to the sowme of . . .	2634	6	8
The dischairge of the said comon good and mortificationes for the year 1691 extends to the sowme of . . .	965	1	0

Elgine, the second day of September j^m vj^c and nyntie one yeares. The above and on the other padge, with what is within, is the just and trew accompt chairge and discharge of the comon good, debts, and mortificationes of the burgh of Elgine, given up be the magistrats and towne to the visitores, and the magistrats declare that they have noe other way to satisfie what the discharge exceeds the chairge but by stenting ther inhabitants. Subscrived day and place forsaid. *Sic subscribitur:* Wm. King, provost; J. Russall, baillie; Keneth Mackenzie, baillie; Jo. Smith, baillie; Robert Andersone, clk.

Burgh of Peebles.

Peebles.

Peebles, the twentieth day of Aprill j^m vj^c nyntie tuo yeares, compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed be the royall borrowes for visiting the wholl royall burghs be south and west the river of Forth, the present magistrats of the said burgh of Peebles, and ther towne clerk, who gave in ane accompt of ther patrimonie and comon good together with ther answers to the saides visitors instructiones as followes:

1. As to the first article, it is answered that by productione of the theasaurers compt bookes for the fyve preceding yeares the comon good of the said burgh extends, *comunibus annis,* to the sowme of 1722 lib. 6s., Scots monie, and that the principal sowme due be the said towne by bondes amounts to 6706 lib. 12s. 8d. mony forsaid.

2. As to the second article, it is answered that they have only two mortificationes, one of 200 marks and the other of 100 marks of principall, and that the annual rent thereof is punctwally payed to the schooll master for mantaineing of poor schoolars at the gramar schooll, and that the rest is imployed for mantainance of the Tweed bridge, and that the samen is nowayes employed for ther ease.

3. As to the third article, it is answered that this burgh is nowayes concerned therin.

4. As to the fourth article, it is answered they are not concerned therin as haveing no seaport belonging to them, and that ther nearest and most convenient is Leith.

5. As to the fyfth article, it is answered that the magistrats have produced

ther theasaurers bookes for fyve preceding years to the saides visitors, who have considered the same and is stated conforme to their answer to the first article of the instructiones, and that ther eiquies, with clerks and other incident dewes, extends to yearly 17 lib. 13s. 4d. Scots monie which is anwally payed.

6. As to the sixt article, it is answered that they have no forraigne trade, and that ther inland trade is verrie mean and inconsiderable, and that they vent and consume about three hogsheads yearlie of French wines and about half a tunn of seck and brandie, and that ther consumption of malt will extend to about sex or seaven hundred bolls yeirly.

7. As to the seaventh article, it is answered that they have no shipes, barks, or boats belonging to them.

8. As to the eight article, it is answered that they [have] no pairts of ships belonging either to burghs royall or regality or barronie and that they do not correspond in trade with any unfree burghs.

9. As to the nynth article, it is answered that ther cess is payed by a tax on ther inhabitants and that they stent them with no more then ther quota dew to ther Majesties by act of parliament.

10. As to the tenth article, it is answered that they pay only 100 marks yearly out of the comon good to ther minister, and that they pay yearly to the schoolmaster, presenter, and all other ther publict servants out of ther comon good the sowme of 445 lib. Scots.

11. As to the elleaventh article, it is answered that all ther publict works are mantained and upholden out of ther comon good, and that they are brought to much expences yearly in mantaineing fyve bridges, one wherof hath fyve arches over Tweed, and that ther debts continowes much about one as is stated in answer to the first article.

12. As to the twelfth article, it is answered that ther houses are mostly inhabited by ther respective heretors and that they pay no cess for the same, and that all other ther tenements and houses will not amount to above 100 lib. yearly, and that they have no stranger inhabitants amongst them.

13. As to the threteenth article, it is answered that they have fyve yearly fairs, each continoweing for the space of one day except the first which hes two dayes, and a weekly marcat, and that the customes are a pairt of the comon good as in the first article.

14. As to the fourteenth article, it is answered that they have tuo regalities and some barronies within ther precinct which have a considerable trade, far above any trade of ther toune, and not only these burghs of regalitie and barronie but other kirk townes and countrey places vent and retaill staple comodities, all which their commissioner shall at more length represent to the borrowes at the next conventione.

This is the trew accompt of the towns patrimony and comon good and state of ther burgh, with ther answers made to the visitors instructiones, which

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are given up upon oath by the saides magistrats and towne clerk, wndersubscryveing, to the saids visitors, day and dait forsaid. *Sic subscribitur:* Robert Forrester, baillie; Archibald Sheild, baillie; Jo. Tweedie, Dean of Gild; Wm. Williamsone, clk.

Burgh of Craill.

Craill.

Answers given in by the magistrats and clerk of the burgh of Craill to the commissionars from the burghs of Air and Dumbartoune, being appointed visitors of the royall burghs, to ther instructiones, as followes:—

1. As to the first article, it is answered by the magistrats and towne clerk of the burgh of Craill, upon ther great oathes, that the comon good and debts are as followes, viz.:

	lib.	s.	d.
That the customes and anchorages of the said burgh for six years backward is yearly	75	0	0
Item, the borrow maills yearly are	38	10	0
Item, of fearmes payable be James Horseburgh, yearly, of bear 18 bolls 1 quarter; item, by Patrick Hodge, of bear 4 bolls; at 4 lib. 3s. 4d. per boll is	76	0	10
Item, by Patrick Hodge, of oats, 5 bolls at 3 lib. 10s. per boll is	17	10	0
Item, the product of the comon muir of Craill by all lyable is, whereof there was only sett the last year	33	6	8
Item, by the laird of Lundie yearly as a tack duty for the priviledge of the customes of the burne of Largo . .	3	6	8
Item, by the burgh of Pittenweem	4	0	0
Item, by the toun of Enster Easter	3	6	8
Item, the four comon milns of this burgh payes yearly of grind malt 30 bolls, there being rebeat 3 bolls 3 firlotts for making it unground malt, ther being only to compt for 26 bolls 1 firlott malt, at 4 lib. 13s. 4d. per boll is 122 lib. 10s. 0d. .	302	10	0
Item, 10 bolls oat maill at 4 lib. per boll, 40 lib. . .			
Item, 10 bolls peise, the price forsaid, 40 lib. . . .			
Item, of monie rent, 100 lib.			
Nota.—This 100 yearly is wared on the milns.			
	553	10	10

Followes the accompt of the debts dew be the toune of Craill to there creditores.

Imprimis, of principall soumes dew to the creditors . .	4500 marks.
Item, to the poor of the sea box and that by ane appryseing expired	
To James Thomson by apprisseing	3000
To James Moncreiff by appryseing	1500
To the aires of Allan Millar by infeftment on the milnes .	3500
To Mr David Watson by infeftment on do. .	1700
To James and George Begbies by infeftment on the milnes .	1000

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To John and Thomas Adamsones by infeftment on the milnes .	1000
To Alexander Bayne by bond beside the numbrous bygone annual rents therof	700 marks.
To the aires of Andrew Millar by bond, of principall . .	600
	18,500

	LIB.	S.	D.
The yearlie anwalrent thereof is	740	0	0
Item, to the schoolmaster yearlie	105	0	0
Redendo to the exchequer, equie, and drink monie . .	19	14	0
Item, by bond to Mr Patrick Lyndsay . . .	100	0	0
Item, resting of bygones to the borrows agent . . .	416	10	0

Item, resting to George Moncreiff of Sawchop for his expense and attendance in going to Edinburgh to the convention of estaits, anno 1678, and at the parliaments, conventions of estaits and borrowes ever since, except Murrayes parliament, which was attended by Mr John Prestoune, and tuo yeares convention of borrowes attended by him and William Craufurd, wherof he receaved only 72 lib. Scots, *inde* resting to Sawchop for his wholl expences all that tyme.

2. As to the second article, it is answered that ther is a mortificatione of some small prebenders and the teind fish and lint of the burgh, which were mortified for the mantainance of the harbour by the King, and many other of these prebendars are in desuetude and which wee are instantly persewing for and now depending befor the lords.

5. As to the fyfth article, produces the theasaurers accompts and eiquies fyve years backward.

6. As to the sixt article, answered that as to the vent of wynes ther is non imported to this place thir fyve years backward for retaill, ther being but one ventener in toune who will depone on oath or produce his bookes for what wynes is vented be him thir fyve yeares backward; and for the consumatione of malt, wee know not exactly, but the waiter on the excyse is willing to produce his bookes whenever called for.

7. As to the seaventh article, answered that ther is no shipps in the towne but one old ship belonging to John Adamsone which is not worth 1000 marks Scots, of 60 tunns burding; one boat old belonging to Andrew Corstorphain, not worth 600 marks, and one other old boat to John Adamsone worth 400 marks; item, four bush boats lyeing wrack at the full sea, belonging to George Moncreiff, Mr William Moncreiff, Andrew Short and William Crawfurd, estimat to 100 lib. Scots the peice; item, there is about twenty fishing or dreave boats all belonging to the inhabitants within the burgh, not above fyftie pounds Scots the peice overhead.

8. As to the eight article, it is answered that the inhabitants of the burgh have no trade with burghs of barronie and regalitie either in the pairts of ships

CRAILL.

or merchandizeing any maner of way except ane eight pairt of ane old bush in Leaven, James Young, master, belonging to James Moncreiff.

As to the nynth article, it is answered that ther is no pairt taken out of the comon good for payment of cess but the inhabitants are stented conform to ther trade and house rents.

10. As to the tenth article, it is answered that the ministers stipends is payed by the herretors out of the teynd of the paroch and that the schoollmaster and precentor are payed by the toune out of the first and readiest of the comon good and that all other publict servants are soe payed.

11. As to the elleaventh article, it is answered that the publict works of the burgh, particularlie the harbour thereof, is mantained out of the mortificatione appointed for that effect in so far as it will runn and by stenting the inhabitants for the supperplus.

12. As to the twelth article, it is answered that ther is no house inhabited within the burgh by strangers; and for the best house that is fermed, with malt steeding, brewhouse, corne, bairne yaird and croft, is not aboue twenty pownd Scots; and for the rest of the houses inhabited the rents being soe low that wee are ashamed to give ane accompt of them, and a verie great many of our houses are alltogether ruinous and not inhabited which wee shall make appear evidently.

13. As to the threteen article, it is answered that wee haue twa publict fairs, each of them standing for a day, the intrinsick value thereof worth nothing at all, for the customes will not make 4s. Scots each marcat for the customes, on which he is willing to depone.

14. As to the fourteenth article, it is answered that ther is no burghs of barronie or regality lyeing next adjacent to us in regaird there is four royall burghs within four mills of us erected on our priviledges.

Answers given in by the magistrats and towne clerk of Craill to the commissionars for the burghs of Air and Dumbartoune, appoynted visitors for the royall burrowes, to the instructiones aftermentioned, and that on ther great oath.

As to the first article, it is answered that there comon good conform to the list given up extends to the sowme of 553 pound 10 s. 10 d.

And the debts dew be the burgh to ther creditors, conform also to the particular list given in, amounts to the sowme of 12,973, 16 s. 8 d.

Craill, the sexteen day of September 1691. This aboue writtin list is declared to be a truth on our great oathes, as witnesseth our subscryptiones day and place forsaid. *Sic subscribitur:* George Moncreiff, Wm. Robertsone, Geo. Dischingtowne, clk.

BURGH OF TAYNE.

TAYNE.

Ane counsell holden within the tolbooth of Tayne, the twentie nynth day of August 1691, by John Ross, provost of Tayne, Angus M'Culloch and Alexander Hay, baillies thereof, Thomas Mansone, dean of gild, Walter Ross, lait provost, Tayne.

David Ross, theasaurer, Alexander Ross, (*blank*) Williamson, Hugh Fraser, David Mansone, Charles MacCulloch, and Nicoll Ross, counsellers of the same. The whilk day, the said John Ross produced ane missive letter of the dait at Invernes the twenty eight instant, under the signe and subscription of John Moor and James Smolet, declaireing that where they both being the tuo that were appoynted for the north by the last convention of burrowes are come the length of Inverness to visit our conditione and to take ane accompt of our comon good and debts and of our mortificationes and trade, to the effect and for the causes specifiet in the said missive letter, conform to which missive letter and in obedience therto, the said provost, baillies, and council of the said burgh of Tayne ordained me, wndersubscrybeing, there clerk, to put the condition and accompt of ther burgh, comon good and debts and of our trade in writ, whereof the tenor followes :—

First, the said burgh hes of comonitie to the value of 18 lib. Scots, yearly, which is all the sallarie ther clerk hes.

Item, two milnes of yearlie rent 240 lib. Scots monie, wherof belongs to the said burgh nyne pairts, being yearly ane huudreth and eightie pownds Scotes.

Item, the comon customes of the said burgh, yeirly, 60 lib. Scots.

Item, resting be the said burgh to Hugh Bayne in Culraine, which was borrowed from him to help us to buy the saids milnes 1000 lib. Scots.

Item, resting be us to William Ross of Aldie of borrowed monie, for the use forsaid, 66 lib. 13s. 4d.

Item, resting be us to Mr James MacCulloch of Piltoune the sowme of 1000 lib., which was borrowed from his vmquhill father to pay our pairt of John M'Leod, lait collector of the excyse, his deficiencie, this burgh being then joynt commissionars with the shire.

Item, rest to Rorie M'Leod of Cambusairrie the sowme of 300 lib. mony forsaid, borrowed from him for payment of bygone cess.

Item, this burgh payes yeirly to the knock waiter and bell attender the sowme of fourty pownds.

Item, to the schoolmaster yeirly 100 libs. Scots.

Item, to remember that this burgh hes no seaport or harbour or any boat or boats great or small belonging therto, nor hes any concerned in haill or in pairt with any within this kingdome by shipping or other wayes, only that the poor inhabitants soe traffiques from hand to hand and by ther correspondance with the burghs of Invernes and Elgine, and from these who are the second or third hand therin the poor chapmen of this place buyes there goodes and not other wayes.

Item, to remember that a great pairt of the building of this poor place is waist and turned ruinous, in soe far as many of the inhabitants and families were necessitat to quyt the towne by reasone of the stress of quartering of the forces and publict stress and impositiones, and that notwithstanding thereof the forces are in areirs and resting the poor inhabitants for bygone quartering to the extent

Tayne.

of the sowme of 8000 marks, which occasioned the removeing of many from the place and extingwishing ther families, and for want of payment of the said rest many more are lyck to be removed.

Item, to remember and it should be considered that the poor chapmen of this place who travelit and did keep up the burden of this place did within thir four years loss by sea ane great boat with the full loadening of merchant goodes brought from Elgine, to the value of 5000 lib. Scots monie, by and attour the loss of mariners and certain persones of the incorporatione, soe that this place is soe redactit as not able to traffecque in the least.

Item, it is to be considered that the kirk, steiple, councill and prison house of this burgh, are soe ruinous and demolished that they are in repaireing and cannot be made up in the same integrity it was formerlie without payment and advancement of ane considerable sowme to the extent of two thousand marks, which is a thing impossible for this poore place and burgh to doe without the christian and charitable supply of weel affected neighbours. In testimonie wherof, wee have subscrivit thir presents, at Tayne, the 29 August 1691 yeares. *Sic subscribitur:* John Ross, provost; Angus MacCulloch, baillie; Alex. Hay, baillie; Thomas Mansone, dean of gild; Cha. Mansone clerk.

Bamff.

Burgh of Bamff.

At Bamff, the fourth day of September j^{m} vj^{c} nyntie one yeares. The magistrats and towne councill of Bamff haveing mett, and takeing to ther consideratione the rent and comon good of the said burgh, that they might make ane just report therof to the visitors commissioned by the royall borrowes for survyeing the trade, comon good, and conditione of the haill borrowes royall of the kingdome, have given to the saids visitors ane exact and full accompt therof as followes :—

Accompt of the few deuties and yearly casualities belonging to the burgh of Bamff.

	LIB.	S.	D.
Item, the Earle of Eirlie payes	43	9	0
Item, George Gordon for few deutie	3	0	0
William Cumming of Auchrey for few deuty	14	0	0
James Cock for his tenement	0	1	6
William Fyfes aires for Coldhame	0	5	0
Peter Stewart, merchant, for his lands	0	1	0
Alexander Ritchie for St Ninians land	0	3	4
James Turner for his tenement	0	4	4
Provost Stewart for few deutie	10	0	0
Mr John Abercrombie of Glasshauch	0	6	8
James Brockie for Marie croft	1	6	8
For the few deutie of the ferry boat	100	0	0

	LIB.	S.	D.
For the small customes of the said burgh and shoar dewes of the samen	128	0	0
Item, for the comon grass	58	6	8
Item, Issobel Legat of few deutie	0	10	0
Item, Alexander Gordon of few deutie	0	6	8
	356	0	10

Accompt of publict burdens and yearlie annwallrents payable be the said burgh.

Item, to the minister of stipend	133	6	8
To the gramar schoolmaster of sallary	120	0	0
To the precenter	50	0	0
Item, for mantaineing the four toun officers in ther coats, shooes, stockins, hatts and fies	50	0	0
Item, to the drumer	14	0	0
Item, to the pyper	14	0	0
For both ther coats, shoes and stockins	14	0	0
To the kirk officer for ringing the bells morneing and evening and for candle	30	0	0
Item, the annwall rent of 100 marks borrowed from the kirk sessione	4	0	0
Item, the anwall rent of 100 lib. resting to George Fordyce	6	0	0
Item, the annwall rent of 1650 marks resting be the burgh and payable to the minister yearlie	30	0	0
Item, the towns eiquie	30	2	0
Item, for the yearly mantainance of a post	52	8	0
Item, payed of few duty to the colledge of Aberdeen	13	6	8
Item, for maill of ane house to ane Inglish schoolmistris	10	0	0
Item, to William Reid for attending the magistrats loft	5	0	0
For mantaineing of the ferry boat yeirly	20	0	0
To the comon officer for mantainance	30	0	0
To the towns agents and advocats	70	0	0
To the procurator fiscall of sallarie	6	13	4
For the yearly mantainance of the schooll	16	0	0
For the mantainance of the tolbooth	10	0	0
	764	16	8

The burghs of barrony within this shire are Milntowne of Ballvenie, Newtoun of Edinglassie, Keith, Carnousie, Newtowne of Park, Newmilne of Strylaie, Rothemay, all dry burghs, of ane inconsiderable trade, Down and Portsoy, seaports and burghs of barronie.

REPORTS, 1692.

BAMFF.

Bamff the fourth day of September 1691. This is the just and trew accompt of the comon good and debts of the burgh of Bamff, given up by the magistrats and clerk, upon oath, to the visitors appointed by the royall borrows; as also ane list of the burghs of barronie and regality within ther precinct; and the magistrats declair that the ballance betuixt the charge and dischairge is payed by taxing the inhabitants. Signed day and place forsaid. *Sic subscribitur:* Alex. Leslie, provost; A. Randers, baillie; George Keith, baillie; Alex. Cock, clerk.

BURGH OF CULROSS.

CULROSS.

Accompt of the few deuties and other comon good of the burgh of Culross, payable yearly as followes, viz. from 1690 to 1691.

	LIB.	S.	D.
Imprimis, the few duty roll of the burgh of Culross extends yearly to	85	14	8
Item, the small weight and pettie customes of the said burgh from Martimas 1690 to Martimas 1691 . . .	36	0	0
Item, the shoardewes, hundreth trie, &c. . . .	3	6	8
Item, the privieledge of the ferrie sett for . . .	26	0	0
Item, the metts and measours of the meal marcat . .	46	0	0
Item, the standers of the shooe marcat	5	6	8
	202	7	8

Accompt of what is lyable in payment be the burgh of Culross yearly as followes.

Imprimis, to the minister	66	13	4
Item, to the schoolmaster	80	0	0
Item, to the wnder teacher	13	6	8
Item, the towns eique is	20	0	0
	180	0	10

And this by and attour the annuall rent of the principal sowme of 4407 lib. 4s. 8d. which they are oweing to sewerall persones by bonds.

This is ane trew accompt, charge and discharge, given in by the said towne of Culross to the visitors, upon oath, the 18 August 1691. *Sic subscribitur:* William Adam, bailly; Ro. Blaw, baillie; Ja. Gray, baillie; James Meason, clk.

BURGH OF WHYTHORN.

WHYTHORN.

Att Whythorne the twenty seaventh day of Aprile j^{m} vj^{c} and nyntie two years. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed be the royall borrowes for visiting

WHYTHORN.

the wholl royall burghs be south and west the river of Forth, the present magistrats and towne clerk of the burgh of Whythorne, who gave in ane accompt of ther patrimonie and comon good, together with ane answer to the saids visitors instructions as follows :

1. As to the first article, it is answered that ther comon good extends only to 12 lib. Scots or therby and that ther debt will amount to 160 lib.

2. As to the second article, it is answered that they have no mortificationes.

3. As to the third article, it is answered that they are nowayes concerned therein.

4. As to the fourth article, it is answered that they have a sufficient harbour of ther own if they hade any trade.

5. As to the fyfth article, it is answered that they have no theasaurer bookes, haveing soe small a comon good, and that they are not used to pay any eiquies nor know they what it would extend to.

6. As to the sixt article, it is answered that they have no forraigne trade and that ther inland trade is most inconsiderable, being a small retaill of goods they bring from Air or Dumfriese ; ther wine, seck, and brandie is soe inconsiderable that they cannot condescend on it ; and that they vent and consume ten Lithgow bolls of malt weekly.

7. As to the seaventh article, it is answered that they have neither ship, bark, or boat belonging [to them] in regaird of the povertie of ther inhabitants.

8. As to the eight article, it is answered that they are not owners or pairtners of any ship or barkes belonging either to burghs royall, of regalitie or barronie, and are not concerned in trade with unfree burghs.

9. As to the ninth article, it is answered that ther cess is payed by stent on the inhabitants.

10. As to the tenth article, it is answered that they pay no pairt of the ministers stipends, and that ther school master and all other ther publict servants are payed by a tax on themselves.

11. As to the elleaventh article, it is answered that all ther publict works are mantained by a stent on themselves.

12. As to the twelth article, its answered that the most pairt of ther houses are inhabited by ther respective heretors, and that they have no stranger inhabitants, and that the rents of there houses are tuixt fyfteen pownd and twenty shillinges Scots, many whereof are ruinous.

13. As to the thretteen article, it is answered that they have two yearly fairs, each one of one dayes containwance, and that they have no weekly marcat ; the customes of there fairs are a pairt of ther comon good and soe reckoned in answer to the first article.

14. As to the fourteen article, it is answered that there are no burghs of barrony or regalitie lyeing near them or prejudiciall to them.

15. As to the fyfteen article, it is answered that ther fynes which are casuall are most inconsiderable.

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WHYTHORN.

This is the trew accompt of the state and condition of the said burgh, in answer to the above wryttine instructions, given up, upon oath, by the saides magistrats and towne clerk, wndersubscryveing, at the place forsaid, to the saids visitors, day and dait forsaid. *Sic subscribitur:* Adam Dunlop, provost; Jo. M'Candish, bailie; Harie Donaldsone, baillie; William M'Candish; Wm. Gowane, clk.

FORFAR.

BURGH OF FORFAR.

Charge of Charles Dicksone his intromissione as thesaurer of the burgh of Forfar, from Michaelmas 1689 to Michaelmas 1690 yeares.

	LIB.	S.	D.
First, the Kings mealls, comon, and few deuties of the said burgh, extends to	100	3	0
Item, tuo booths beneath the tolbooth	15	16	8
Item, the pettie customes	54	0	0
Item, the wind milne	106	0	0
Item, the muir mealls	50	13	4
Item, the custom of St Peters fair	90	0	0
Item, the tack deuties	86	0	0
Item, the grass mealls the said year	67	14	0
Suma of the charge	570	7	0
Discharge of the forsaid charge.			
Imprimis, to the schoolmaster of sallarie	48	0	0
Item, to the officers of fies, drumer, poundler and knock keeper, and for ther cloaths	123	14	0
Item, to the touns commissioners for attending the parliament and borrowes, makeing the towns eiquei, missive and other dewes	250	0	0
Item, ane years annual rent of 1400 marks dew be the towne to the church	56	0	0
Item, of necesar expences debursed upon the towns accompt and for expresses with lettres to and from his Majesties forces and furnishing of necessaries to ther gairds when they lay in the towne, and repairing of the wind milne and school of the said burgh	549	15	8
	1027	9	8
Soe that the dischairge exceeds the charge in the sowme of	457	2	8

At Dundie, the first day of September j^{m} vj^{c} and nyntie nyne yeares. The magistrats of Forfar haue given in the forsaid accompt of ther comon good and the discharge therof, to the truth of which they declaire and subscryve, and for the difference betuixt the chairge and dischairge they stent ther inhabitants therfor at there conveniencie. Subscrivit day and place forsaid. *Sic subscribitur :* Jo. Carnegie, provost; Ja. Dicksone, baillie; C. Dicksone, baillie; Will. Dicksone, clk.

Accompt of the debts dew be the burgh of Forfar.

	LIB.	S.	D.
Imprimis, dew be the said burgh be the church of Forfar .	933	6	8
To the church of Dundie	933	6	8
To the laird of Dod	66	13	4
Item, three years annual rent dew to the church of Dundie .	168	0	0
To the minister for his stipend cropt 1689 which is payed of the teynd of the corns of the said burgh, which cornes were eatin and distroyed be ther Majesties forces ther horssis, and now is charged by him as ane debt upon the towne, inde . .	600	0	0
Item, be the towne of Forfar to there theasaureris since Michaelmas 1685 to Machelmas 1690	2108	1	10
	4809	7	6

Ane accompt of the corns eattin and distroyed by ther Majesties forces ther horssis, cropts 1689 and 1690.

Imprimis, conform to General Major M'Kays ordor direct to the Shirreff of Forfar, ordoring to call eight fearmers who best wnderstood for apprisseing the saides corns and to be overseen by countrey gentlemen, who were solemnly sworn to appryse the samen conform to the said Generall his ordor, did appryse the loss and damnadge to 1200 bolls oats bear and pees with the fother at ten mark per boll, inde . .	8000 lib.
Item, of horses and carts taken be ther forces and free quarters from the inhabitants of the said burgh wherby they are damnified in the soume of	2000 lib.

To remember that ther tolbooth and schoolhouse of Forfar are both ruinous and that many of ther inhabitants have left the toune upon the accompt of ther oppression and quartering.

Accompt of the burghs of regalitie and barronie nixt adjacent to the burgh of Forfar given up by the magistrats and toun clerk of the said burgh concerning ther trade.

Imprimis, the regalitie of Kirriemuire within three mylls of Forfar which trades and traffecques with all kynd of merchant vair and hes ane great weekly marcat, yearly, with tuo great marcats containowing two dayes each of them, with ane croft marcat containowing from Michaelmes to the twentie third day of December, which marcats exceeds all the marcats in this place and shire and will trade in and about yeirly 6000 lib.

The barrony of Glames three mylls from Forfar wherein is keeped the Earle of Strathmores barron courts weekly and ane great fair, and will trade in and about 1000 lib.

Burgh of Rothesay.

Rothesay.

Irvine the second day of May 1692. Compeired befor James Fletcher, provost off Dundie, and Alexander Walker, bailly off Aberdeen, commissionars appointed be the royall borrowes for visiting the wholl burghs be south and west the river of Forth, the present magistrats and toun clerk of the burgh of Rosa, who gave in ane accompt of ther patrimony and comon, together with ane answer to the saids visitors instructions as follows :—

1. As to the first article, it is answered that ther comon good, *communibus annis*, will amount to 159 lib. 13s. 4d., and that ther debts extends to 213 lib.

2. As to the second article, it is answered that they have no mortificationes belonging to them.

3. As to the third article, it is answered that they are nowayes concerned therein.

4. As to the fourth, it is answered that they are nowayes concerned therin haveing a harbour of ther own.

6. As to the sixth article, it is answered that they have no theasaurers books by them to produce, and that ther eiqueis extends with clerks and other deus to 17 lib. 14s., and that they have no forraigne nor inland trade except some goodes they retaill from Glasgow of ane inconsiderable value, and that they have vented no seck, wine or brandie these fyve yeares bygone, save two hogsheads of wine and about eight gallons of seck or thereby, and that they can give no accompt of what quantity of malt they consume yeirly at present but shall give ane accompt therof to the nixt conventione of burrowes.

7. As to the seaventh article, it is answered that they have no ships or barks but only one small boat of twelve tunn burden, and about 12 lib. sterline value, and 19 herring boats about 80 lib. value or therby.

8. As to the eight article, it is answered that they are neither owners nor pairtners of any ships, barks, or boats belonging either to burghs royall, of regality or barronie, nor are they concerned with any unfree burgh in matter of trade.

9. As to the nynth article, it is answered that there cess is payed by a tax on ther inhabitants.

10. As to the tenth article, it is answered that ther ministers stipend is payed out of the teynds of the paroch and that all other ther publict servants are payed out of there comon good.

11. As to the elleaventh article, it is answered that there church and all other there publict works are mantained and upholden out of the comon good.

12. As to the twelth article, it is answered that ther houses are possesst be ther respective heretors except few that are inhabited by tenents and that the

ROTHESAY.

best and worst will be tuixt 16 lib. and 4 lib. Scots, and that they have no stranger inhabitants.

13. As to the 13 article, it is answered that they have tuo yearly fairs, the one of one and the other two dayes containwance, the customes whereof are a pairt of there comon good and soe stated in answer to the first article.

14. As to the fourteen article, it is answered that they have no burghs of barronie or regalitie within ther precinct.

15. As to the fyfteen article, it is answered that they have no casuall comon good but what is stated in the first article.

Nota.—Ther is 77 lib. of more debt oweing be them which is not contained in the first article.

This is the trew accompt of the state and conditione of the said burgh of Rosa in answer to the above instructiones, as it is given up, upon oath, be the magistrats and towne clerk, undersubscriveing, to the saids visitors at the place, forsaid day and dait abovewrittin. *Sic subscribitur:* Ja. Stewart, provost, Alexr. Gray, baillie, Da. Stewart, clk.

BURGH OF NAIRNE.

NAIRNE.

Accompt of the comon good of the burgh of Nairn as per theasaurers charge for fyve years.

Imprimis, the constant standing comon good, being our few duties allanerally, as per yeirly theasaurers rolls, 13 lib. 10s.

Nota.—All the rest of our income being meer casualities that at the best availl, reckoning one year with another, wee esteem can amount only to 27 lib.

Item, resting be the burgh for bygone missive dewes; item for byrunn cesses occationed by the insuperable poverty of the place, eighteen months, at eighteen pounds Scots per mensem is 234 lib.

Item, to Baillie Angus as the price of ane bell brought home for the touns use, 78 lib.

Item, to our commissioner for attending the conventione in parliament, 140 lib.

Nota.—Wee sustained considerable losses for not payment of forces accompts, as per our accomptes to the exchequer sent south two severall tymes conform to proclamationes theranent, extending in haill to (*blank*). Item, by the Highland armie lyeing upon our corns with fyve hundreth horss full twenty four hours in August, at a firlot each horse, 125 bolls, at 10 marks per boll, inde 833 lib. 6s. 8d. Item, by expresses and baggage horses being so frequent for tuo years tyme.

The burghs of barronie within this shire are Calder belonging to the laird of Calder, retaill considerable. Item, Geddes belonging to the laird of Kilravock, uses no trade. Alderin, a pretended burgh of barronie of the laird of Kilravocks, retaills considerably. No regalities in this shire.

REPORTS, 1692.

NAIRNE.

Nairne the first September 1691. The within writtin accompt is the trew and just accompt of the chairge and dischairge of the comon good and debt of the said burgh, given up, upon oath, by the magistrats and clerk and subscrivit be them time and place forsaid. *Sic subscribitur:* Hugh Rose, provost, Pat. Angus, baillie, Jo. Dallas, baillie, Will. Rose, clerk.

BURGH OF FORRAS.

FORRAS.

The yearly income of the burgh of Forras.	LIB.	S.	D.
The feu duty of comon land	16	4	0
The few deuty of salmond fishing	69	0	8
Custome of ther mercats	90	0	0
House maills	15	0	0
For grass	50	0	0
	240	4	8

Payed out thereof yearlie.			
To the schoolmaster who is precenter	40	0	0
To the Abbot of Kinloss as few of fishing	10	0	0
To exchequer as eiquie	9	0	0
Assise ale to the sheriff of the shire	3	0	0
To the theasaurer and clerk of the burgh	20	0	0
To the drummer	10	0	0

The above said debursements is besides our agents fees, towns officers, commissioners to parliaments and conventiones of borrowes, generall and particular.

Forras, the first day of September 1691 years. The above accompt, charge and discharge, is the just and trew accompt of the common good and debts of the said burgh, given up by the magistrats, upon oath, and subscrivit be them and ther clerk day and place forsaid. *Sic subscribitur:* Rob. Dunbar, p.; Jo. Brodie, baillie; Thomas Alves, baillie; Ro. Tulloch, clk.

BURGH OF RUTHERGLEN.

RUTHERGLEN.

Rutherglen, the seaventh day of May j^m vj^c and nyntie two yeares, compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appoynted be the royall borrowes for visiting the wholl royall burghs be west and south the river of Forth, the present magistrats and towne clerk of the said burgh of Rutherglen, who gave in ane accompt of ther patrimony and comon good, together with ane answer to the saids visitors instructiones as followes :—

1. As to the first article, it is answered that ther comon good, *comunibus annis*, extends to 959 lib. 16s. 3d. Scots, and that ther debts extends to the sowme of 7100 marks.

RUTHERGLEN.

2. As to the second article, it is answered that they have no mortificationes.

3. As to the third article, it is answered that they are not concerned therein.

4. As to the fourth article, it is answered that they are not concerned therein.

5. As to the fyfth article, its answered that they have produced ther theasaurers books for fyve preceeding years which have been considered by the saides visitors, who find the ballance for the saides fyve yeares will be resting by the theasaurer 278 lib. 2s., and that the eiquei with clerks and other dewes amounts to 14 lib. Scots.

6. As to the sixt article, it is answered that they have neither forraigne trade nor inland trade and that they vent nor consume noe French wine, seck or brandie, except some few pints of brandie they buy from Glasgow, and that they consume about fyve bolls of malt weekly or thereby.

7. As to the seaventh article, it is answered that they have no ships, barks, boats or ferrie boats belonging to them.

8. As to the eight article, it is answered that they are not owners nor partners of any shipes, barks or boats belonging either to burghs royall, of regality or barronie, nor are they concerned in matter of trade with unfree burghes.

9. As to the nynth article, it is answered that ther cess is payed by a tax on there inhabitants.

10. As to the tenth article, it is answered that ther minister is payed out of the teynds. Ther schoolmaster and all other there publict servants are payed out of the comon good.

11. As to the elleaventh article, it is answered that all ther publict works are mantainit and supported out of the comon good.

12. As to the twelth article, it is answered that the most pairt of ther houses are inhabited by ther respective herretors, and that the rent of the best and worst of there houses will be tuixt eight pownds to four lib. Scots and that they have no stranger inhabitants.

13. As to the threteen article, its answered that they have four yearly fairs, three of one dayes containwance and the fourth of four or fyve dayes, the customs of all which are reckoned as a pairt of ther comon good and soe stated in answer to the first article, and that they have no weekly marcat.

14. As to the fourteenth article, it is answered that they have no unfree burghs within ther precints prejudiciall to ther trade.

This is the trew accompt of the state and condition of the said burgh of Rutherglen, as it is given up, upon oath, by the saides magistrats and towne clerk, wndersubscryveing, to the best of ther knowledge and surest information they can have to the saids visitors, day and dait forsaid. *Sic subscribitur:* Ro. Bowman, p.; Jo. Scott, baillie; Will. Spense, clerk.

BURGH OF NORTH BERWICK.

NORTH BERWICK.

The estait of North Berwick as given in by George Simsone, ther clerk, one

NORTH BERWICK.

of ther baillies being absent, the other sick, who compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appoynted by the royall borrowes for visiting the wholl south and westerne borrowes be south the river of Forth, who gave in ane accompt of the patrimonie and state therof as followes:

1. First article, answered that the comon good off Northberwick extends to 19 lib. 6s. 8d. for the year 1690, ther being no other bookes produced to the visitors but for that year.

2. Second article, answered they have no mortificationes.

3. Third article, they are not concerned therein.

4. Fourth article, they are not concerned therein.

5. The magistrats being absent could get no accompt of ther theasaurie bookes save only ther comon good.

6. Sixt article, for malt, wine and brandie, soe inconsiderable the vent therof that its not worth the mentioneing, ther being only five firlotts of malt sold weekly.

7. Ships they have none nor ferrie boats except two fish boats which payes nothing to the toune.

8. Its answered they have no pairt of ships, barks, or boats without ther towne, ther being non of them in a conditione.

9 article, that ther cess is payed by a yearly tax on ther houses and borrow aikers.

10. Ther ministers stipend is payed by the heretors of the paroch.

11. That ther publict works, such as ther harbour, tolbooth, and streits and servants fees are all payed out of the comon good.

12. The clerk declairs he cannot give ane accompt of the maills of the towne houses.

13. They have neither weekly nor yearly marcats.

14. That Dirletoune being a burgh of barronie lyes within a mylle to them; there are some merchants in it but they conceave of no great value.

This is the trew accompt of the condition of the said burgh, given up, upon oath, by George Simsone, towne clerk, to the saids two visitors, the eighteen day of Aprile 1692 years, and subscrivit be him. *Sic subscribitur:* Geo. Simpsone, clerk.

BURGH OF CULLEN.

CULLEN.

Cullen the first day of September 1691. The magistrats and toun councill of Cullen haveing mett, and haveing taken to ther consideratione the rent, revenew, and comon good of the burgh, that they might [make] a just and trew report of the same to John Muir, provost of Air, and Mr James Smolet, provost of Dumbartoune, commissionat by the royall borrowes, for surveyeing the trade, comon good, and state of the haill royall burghs of the kingdome, after consideration of ther records, the accompts of thir severall yeares bygone that have been made by the theasaurers, doe find that ther few dutyes, comon grass, and other casualities and rents are as followes :

Accompt of the few deuties and farret maills of the burgh of Cullen.

	LIB.	S.	D.
Imprimis, the Earle of Findlater payes	16	15	0
Item, Burdsbank	51	19	6
Item, James Lairty of Tochieneill	8	8	6
Item, Mr Alexander Ogilvies successors for Preistfeild	3	4	2
Item, James Howie for Taillers Ruid	0	4	4
Item, William Lawties mortified lands	3	4	2
Item, William Strachan for ane boll in the old milne	1	3	4
Item, William Gordon of Forskain for Crowats green, castle, and Portnoikies	13	6	8
Item, William Duff for orchyeard and Downies croft	0	12	0
Item, Patrick Sanders for his forehouse	0	6	0
Item, Muldavit for Auchinhall	0	12	0
Item, John Lorimer for Dowcroft	0	1	0
Item, William Hall for his kilbarne	0	2	0
Item, Thomas Andersone for the walk miln	10	13	4
Item, William Ord for place grein	0	4	0
Item, Alexander Raffin for his hous and riggs	8	0	0
Item, the custome of the boats	5	0	0
Item, Richard Ord for his house	0	3	4
Item, Elspeth Raffin for hir house	1	6	8
Item, James Shand for his house	0	13	4
Item, Janet Cuthbert for her house	0	13	4
Item, for the towns mony grass	24	0	0
	150	12	8

Accompt of the publict burdens and debts resting be the burgh of Cullen.

Item, for the burghs equei	34	0	0
Item, to the minister	40	0	0
Item, to the schoollmaster	13	6	8
Item, to the townes clerk	24	0	0
Item, to the officers fies	18	0	0
Item, to the drumer	10	0	0
Item, to incident chairges yearly and to ther advocats and agent for manageing ther affairs	60	0	0
Item, for postage of ther cess yeirly	24	0	0
Item, resting by the burgh to Mr James Lorimer by bond of principall and anwall rents	40	0	0

	LIB.	S.	D.
Item, by the burgh oweing for borrow dewes and agents fies .	48	0	0
Item, for ther commissionars charges (*blank*) . . .			
	311	6	8

The veritie of the above writtin accompt of charge and dischairge is attested by us wndersubscryveing. *Sic subscribitur:* Findlater; John Baird, baillie; An. Craick, clk.

Burgh of Lauder.

LAUDER. Lauder, the eighteen day of Aprile j^{m} vj^{c} nyntie two yeares. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, bailly of Aberdeen, commissionars appointed be the royall borrowes for visiting the wholl royall burghs be south and west Forth, Alexander Murray, present baillie of the said burgh, with Charles Lauder, clerk of the same, and gave in ane accompt of ther patrimonie and comon good as followes:

1. First article, answered that the visitors haveing exactly considered the theasaurer books of the said burgh from Michaelmes 1686 to Michaelmes 1691 inclusive, being fyve years, they find, *comunibus annis*, the comon good therof to extend to 575 lib. 17s. 4d. and that the said towne will be presently indebted in the sowme of 1200 lib. or therby of principall sowmes and anwall rents preceeding the dait heirof.

2. Second article, answered that ther was 500 marks mortified be George Jolly in Edinburgh, the annwall rent quherof is payed punctwally by the toun to the schooll master for mantaineing of poor schoolars conform to the will of the mortifier, to the best of ther knowledge, and that they have no other mortificatione belonging to the toun or councill.

3. Third article, answered they are nowayes concerned therin.

4. Nor the fourth article.

5. Fyfth article, answered that the saids magistrats have produced fyve years theasaurer bookes conforme to the ansuer to the first article, and also have produced the eiquies which amounts yearly with the clerks fies and drink monie to 14 lib. Scots or therby, both which have been considered by the saides visitors.

6. Sixt article, answered to the first pairt therof they have no forraigne trade nor inland ; and as to the second that they vent and consum yeirly ane tunn and ane half of wine, seck and brandie; and to the third they will consum weekly four bolls and thrie firlotts or therby of malt.

7. Seaventh article, answered they have neither ship, bark or boat belonging to them as haveing no sea port.

8. Eight article, answered that they are not owners nor pairtners of any ships or barks belonging to any burgh royall of barronie or regality.

9. Nynth article, answered that ther cess is payd by taxatione on ther inhabitants of the burgh, borrow reeds, and acres therto belonging.

Reports, 1692.

Lauder.

10. Tenth article, answered that the town payes no pairt of the ministers stipend, and that the schoolmaster, the publict servants and publict works of the said burgh are all payed and mantained out of the comon good.

11. Elleaventh article, answered by the tenth.

12. Twelth article, answered that the houses of the toun are all possest by ther herretors who inhabit the same, save some few cottar houses that pay about four pound yearly a piece, and that there are two or three of the best houses pay 10, 12 or 14 lib. Scots yearly a piece, and that they can give no accompt of ther land rent in gross nor have they any stranger inhabitants.

13. Thretteen article, answered that they have fyve yeirly fairs and that each of them containoweth only the space of one day, the wholl customes therof is a pairt of ther comon good and accordinglie soe stated in the first article.

14. Fourteen article, answered that there are no unfree burghs of barronie or regality within ther precinct, save only Dunce, Haymouth, Carelistream, and Coldinghame, the trade whereof they reckon to be verie inconsiderable, and as to the state of the toune and rent of ther houses they can give no particular accompt.

This is the trew accompt of the said towns patrimonie and state of ther burgh in answer to the above writtin articles, given up upon oath be the saids baillie and clerk, wndersubscryveing, to the saides visitors, day and dait forsaid. *Sic subscribitur:* A. Murray, baillie; Ch. Lauder, clk.

Burgh of Kilrennie.

Kilrennie.

Accompt of the comon good of the toun of Kilrennie.

The customes of their fair betuixt 20 and 26 lib. yearly.

The count of ther debts to the kirk session with about tuentie years anwall rent	400 marks.
Also to the poor seamen	300 marks.
Item, to Mr Robert Cleiland	48 lib.

At Kilrennie, this seaventeenth day of September j^{m} vj^{c} nyntie one yeares. Wee the magistrats and toun clerk doth testifie the truth of the above said accompt, creditor and debitor, and the differ betuixt the two wee cess the inhabitants for the samen at convenient tymes. *Sic subscribitur:* William Smith, baillie, James Peacock, baillie, Da. Sympsone, clk.

Burgh of Annan.

Annan.

At Dumfreise the twenty third day of Aprill j^{m} vj^{c} nyntie two years. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed be the royall borrows for visiting the wholl burghs royall be west and south the river of Forth, the present theasaurer and clerk of the burgh of Annan, the rest of the magistrats being either indisposed or absent, who gave in ane accompt of ther patrimony and comon good, together with ane answer to the said visitors instructions as follows :—

1. As to the first article, it is answered that ther comon good will amount to about 600 marks or therby, *comunibus annis*, and that ther debts will be betuixt 5 or 6000 marks of principall quhich is resting be the toune be bonds, acts of councill and precepts.

2. Second article, answered they have no mortificationes belonging to them.

3 article, they are not concerned therein.

4 article, they are not concerned therein.

5 article, answered that they have no theasaurers books nor ever hade any, and that ther eiquies, besides ther clerks dewes and other casualties, amounts to 6 lib. Scots.

6 article, answered that they have neither forraigne nor inland trade and that they hade no wine nor brandie vented within ther toun these fyve years bygone except one hogshead of each, and that to the best of ther knowledge they vent and consume about three bolls of malt, Lithgow measour, weekly.

7. As to the seaventh article, it is answered that they have no ships, barks or boats belonging to them, except one ferrie boat over the water of Annan, which payes three pund sterline yearly and is a pairt of there comon good as in the answer to the first article.

8. As to the eight article, it is answered that they are not owners or pairtners of any ships or barks belonging either to burghs royall or regality or barronie and that they have no trade with unfree burghs.

9. As to the nynth article, it is answered that ther cess is payed out of the comon good these 15 yeirs bygone by reason of the poverty of the inhabitants except one year that the inhabitants were taxed therfor.

10. As to the tenth article, it is answered there ministers stipend is payed out of the teynds of the wholl paroch and that ther precenter and all other publict servants are payed out of the comon good.

11. As to the elleaventh article, it is answered that they uphold a fourth pairt of there church out of there comon good and that all other ther publict works are mantainit out of the same.

12. As to the twelth article, it is answered that the rents of their houses will amount only tuixt twenty and four pounds yearly.

13. As to the thretteen article, it is answered that they have only two fairs yearly and that the same are only of one dayes containwance and that the customes therof are reckoned a pairt of there comon good and are most inconsiderable in respect of some fairs keept by burghs of barronie circumjacent.

14. As to the fourteen article, it is answered that they have burghs of barronie and regalitie, particularly Lockerby, Eckellfechell, Daltoun, and Aplegirth, which are verie prejudiciall to them, and have taken all there trade from

them, a more particular accompt whereof ther commissioner shall represent to the nixt convention of borrowes.

This is the trew accompt of the patrimonie, comon good, and state of the said burgh of Annan, with the abovementioned answers which are given up, upon oath, by the said theasaurer and towne clerk of the said burgh, the rest of the magistrats being either indisposed or absent, who have subscryved the samen befor the saides visitors day and dait forsaid. *Sic subscribitur :* Edward Johnstoun, Jo. Murray, clerk.

Burgh of Lochmaben.

Lochmaben.

At Dumfreise, the twenty third day of Aprill j^m vj^c and nyntie two yeares. Compeared befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissioners appointed be the royall borrowes for visiting the wholl burghs royall be south and west the river of Forth, the present magistrats of Lochmaben, who gave in ane accompt of their patrimonie and comon good, together with ane answer to the saides instructiones as followes :—

1. As to the first article, its answered that ther comon good amounts to fourty pownds Scots, *comunibus annis*, and that they have no debt.

2. As to the second article, it is answered that they have no mortificationes.

3. As to the third article, it is answered that they are not concerned therein.

4. As to the fourth article, it is answered that they are not concerned in this, haveing no seaport.

5. As to the fyfth article, it is answered that they never hade any theasaurers bookes, and that ther comon good is stated in ther compt books, and that ther eiquies, etc., extends to 10 lib. Scots.

6. As to the sixt article, it is answered that [they have] neither forraigne nor inland trade, lyeing at a great distance from any seaport, and that they vent no French wines, seck or brandy, and that they consume about fyve firlotts of malt, Lithgow measour, weekly.

7. As to the seaventh article, it is answered that they have no ships, barks or boats belonging to them.

8. As to the eight article, it is answered that they are not owners nor pairtners belonging either to burghs royall of regalitie or barronie, and that they have no trade with unfree burghs.

9. As to the nynth article, it is answered that ther cess is payed by a taxation on ther inhabitants and herretors of ther houses and borrow acres.

10. As to the tenth article, it is answered that ther ministers stipend is payed out of the teinds of the lands belonging to the burgh and parish, and that the schoolmaster is payed by the heretors of the paroch and all other ther publict servants are payed out of the comon good.

11. As to the elleaventh article, it is answered that they have no publict works to mantain.

12. As to the twelth article, it is answered that the greatest pairt of ther houses are uninhabited and that the rents therof are from foure pound to twentie powнds and that they have no stranger inhabitants in ther burgh.

13. As to the threttein article, it is answered that they have neither yearly nor weekly marcats since the erection of the burghs of barronies and regalities, but that they hade formerly three fairs, and that ther customes would amount to 30 lib.

14. As to the fourteenth article, it is answered that there are sewerall burghs of barronie and regality within ther precinct, viz., Moffat, Locharby, Applegirth, Achilfechin, Daltoun, Riwan and Durnoch, which are prejudiciall to there trade and publict fairs and hath occasioned a totall decay amongst them.

This is the trew accompt of the stat and comon good of the said burgh of Lochmaben, in answer to the abovewrittin articles, which are given up by the provost and baillies of the said burgh, ther towne clerk being absent, wndersubscryveing, to the saids visitors, day, dait and place forsaid. *Sic subscribitur:* Alexr. Johnstoun, provost, Thomas Johnstoun, baillie. Nota, Thomas Johnstoun, the other baillie cannot subscrvye.

BURGH OF SANQUHAR.

SANQUHAR.

At Dumfreise, the twentie third day of Aprill j^{m} vj^{c} and nyntie two years. Compeired James Fletcher, provost of Dundie, and Alexander Walker, bailly of Aberdeen, commissionars appoynted by the royall borrowes for visiting the wholl burghs royall be south and west the river of Forth, the present magistrats of the burgh of Sanchar, who gave in ane accompt of ther patrimonie and comon good, with ther answer to the saides visitors instructions as followes :—

1. First article, answered that ther comon good amounts only to fourteen pound four shillings and eight pennies Scots and that ther debts amounts to two hundreth pound Scots of principall.

2. As to the second article, it is answered that they have no mortificationes.

3. As to the third article, it is answered that they are not concerned therein.

4. As to the fourth article, it is answered that they are not concerned therin, haveing no seaport.

5. As to the fyfth article, it is answered that they have theasaurers bookes, ther comon good being soe inconsiderable, and that ther eiquies extends yearly with ther clerks dewes and other casualities to fourteen pounds.

6. As to the sixt article, it is answered that they have no forraigne trade, and that their inland trade consists only of some few sheeps skins, butter and cheese, and few merchants goodes from Edinburgh, and that they vent no French wynes nor seck but a little brandie, and that they consume about two bolls of malt weekly.

7. As to the seaventh article, it is answered that they have no ships, barks or boats belonging to them.

8. As to the eight article, it is answered that they neither are owners nor

pairtners of ships belonging either to burghs royall, of regality or barronie, nor are they concerned in trade with unfree burghs.

9. As to the nynth article, it is answered that they pay cess by a taxation on ther inhabitants for ther houses and borrow acres.

10. As to the tenth article, it is answered that ther minister is payed out of the teynds of the paroch wherof ther land payes a pairt effeirand to ther teind; ther schoollmaster is mantained according to the number of schoolars by weekly intertainment from ther respective parents, besides twelve pound yearly of fie laid on by stent on ther lands; the rest of the publict servants are payed by stent on ther inhabitants.

11. As to the elleaventh article, it is answered that all ther publict works are mantainit by tax on themselves.

12. As to the twelth article, its answered that the rest of ther houses will be of rent betuixt fourty and fyfty shillings Scots inclusive; no strangers in ther burgh.

13. As to the thretteenth article, it is answered that they have thrie yearly fairs of one dayes containwance, and that ther customes are contained in ther comon good as in the first article.

14. As to the fourteen article, it is answered that they are surrounded with burghs of barronie and regality whois retaill of staple goodes destroyes totally ther trade.

This is the trew accompt of the toun of Sanquhars patrimonie and comon good in answer to the above writtin queries which are given up, upon oath, by the saids undersubscryveing to the saides visitors day and date forsaid. *Sic subscribitur:* Ro. Park, baillie, Alex. Creitchtoune, baillie.

Burgh of Dingwall.

Dingwall.

Ane trew accompt and representatione of the circumstance and condition of the burgh of Dingwall, faithfullie given up and subscrived be the magistrats therof to the commissionars appointed be the royall borrowes to visit the conditione of the northern burghs of this kingdome.

Imprimis, that the said burgh hes no kind of publict good belonging to it, by reasone ther predecessores did few and sell the litle thing they hade many years for payment of ther publict debts, soe that all that now remains is only twenty nyne poundes Scots of few deuties, wherof the toun clerk gets twenty pounds yearly of sallary.

2. Their was never any mortificatione within the said burgh.

3. The said burgh hes no trade, by reason there is not a man amongst [them] of that stock as to ventur abroad, soe that anything they are able to vent is bought from the adjacent burghs, Invernes and Elgine, nor is ther any hopes that ther can be any trading in the said burgh by reasone of the burghs of barronie and regality erected about it, such as the burgh of barronie of Alnes, within sex myles be east it, the burgh of barrony of Ochterneid belonging to the Visecount

of Tarbat within two mylls be west it, the burgh of barronie of Contan belonging to Sir Alexander Mackenzie of Coull within three mylls be west it, (which burgh of Contan intercepts all the trade the said burgh wes wont to have with the highlanders,) the burgh of barronie of Bewlie belonging to the lord Lovat within four mylls south west of it, the burgh of barronie of Redcastle belonging to the laird of Redcastle within three mylls be south it, and the burgh of barronie of Coulbockie belonging to the laird of Findon within two mylls south east of it, everie one of which burghs except that of Ochterneeds have for the tyme ther shopes and vent als much comodity as the burgh of Dingwall.

4. The said burgh hes no tolbooth nor bridge nor are they able to build any; upon all which accompts the herretors and inhabitants are obleidged to mantain the liberty of the burgh and forced to stent themselves and ther land for payment of ther cess, outtreiking of a commissioner to the parliament, conventiones of esteats and borrowes, ther eiquies and missive dewes, to pay the maill of ane house hyred for a tolbooth and a stipend to ther schoolmaster and to defray all other contingencies.

5. The said burgh hes no publict debt, because they will not get credit, ther being no visible way how creditors could be payed by ther publict; and, lastly, this being the conditione of the said burgh it is visible they most of necessity quyt and resigne ther priviledges unless the royall borrowes fall upon some way for ther support, which the magistrats and councill humblie intreat the saids commissionars may represent to the royall borrowes at ther first meeting, especiallie for ane ease to them in the taxt roll, without which it may easily appear that it is impossible for them to send a commissioner to either parliament or conventione. In testimonie wherof, subscrived at Dingwall, the last day of August j^{m} vj^{c} and nyntie one yeares. *Sic subscribitur:* Ronald Bayne, provost; Don. Dingwall, baillie; Ken. Mackenzie, baillie; Jo. Cameron, clerk.

BURGH OF QUEENSFERRY.

QUEENSFERRY. Edinburgh, the seaventeen day of May j^{m} vj^{c} and nyntie two yeares. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed be the royall borrows for visiting the wholl royall burghs be west and south the river of Forth, the present bailly of the burgh of Queensferrie, the rest of the magistrats and toun clerk being absent, who gave in ane accompt of ther patrimonie and comon good, together with ane answer to the rest of the saids visitors instructiones as followes:

1. As to the first article, it is answered that ther comon good extends to two hundreth fyfteen pownd nine shillings and two pence Scots and they are oweing two hundreth marks of principall by bond.

2. As to the second article, it is answered that they have no mortifications belonging to them.

3. As to the third article, it is answered that they are not concerned therin.

4. As to the fourth article, it is answered that they are not concerned therin haveing a bay for ther harbour.

5. As to the fyfth article, it is answered that they keep no theasaurers books but adjust ther accompts annwally and ther charge and discharge is for the most pairt equall; ther exchequer eiquies is with clerks and other dewes the sowme of thretteen pounds Scots which is annwally payed.

6. As to the sixt article, it is answered that ther export is verie inconsiderable, consisting mostly of coalls which the merchants of Edinburgh and others layes in for ther oun accompt ; ther import consists of some Norway trade and some from Holland, as the masters and others have occatione to imploy ther stocks, the particular value wherof they cannot condescend on ; and ther inland trade and retaill is also very inconsiderable ; and that [for] three yeares bygone they have hade no consumptione of French wines and not above a tunn yearly for the two yeares preceeding these, and a verie small and inconsiderable quantity of seck or brandie, and that they cannot condescend on ther consumptione of malt in regaird they have no milns nor impost upon ale.

7. As to the seaventh article, it is answered that they have seaven ships belonging to them betuixt ane hundreth and ane hunder and twenty tunns the piece, the value of which wee cannot condescend on, and ane open boat for carrieing coalls and stone, which ships are of the most pairt imployed by the merchants of Edinburgh.

8. As to the eight article, it is answered that they [have] two sixteen pairts of two ships the masters wherof are burgars of a royall burgh and no other wayes concerned in trade with any unfree burghs.

9. As to the nynth article, it is answered that ther cess is payed by tax on ther inhabitants.

10. As to the tenth article, it is answered that ther ministers locall stipend is four hundreth marks, which is payed by taxatione and pew mailles, and ther schoolmaster hath fourtie pound out of the comon good and twelve pound by a mortificatione ; all other ther publict servants are payed out of ther comon good.

11. As to the elleaventh article, it is answered that all ther publict works are supported out of the touns comon good save ther church which is mantained out of its own pious revenewes.

12. As to the twelth article, it is answered that there are many of ther houses unhabited, and a full rentall of them shall be given in by ther commissioner to the nixt conventione of borrowes, and that they have no stranger inhabitants.

13. As to the thretteen article, it is answered that they have one yearly fair of one dayes containwance and tuo weekly marcats whose customes are inconsiderable and stated as pairt of ther comon good in answer to the first article.

REPORTS, 1692.

QUEENSFERRY.

14. As to the fourteenth article, it is answered that they have no precinct without themselves.

15. As to the fyfteenth article, it is answered that ther burgers freedomes, fynes, &c. are inconsiderable and reckoned as pairt of ther comon good.

This is the trew accompt of the state and conditione of the said burgh of Queensferrie, in answer to the above mentioned instructiones, as it is given up by the said baillie, undersubscryveing, who declairs the same to be the authentick relatione to the best of his knowledge, to the saids visitors, day and date forsaid. *Sic subscribitur:* Jo. Kinnaird, baillie.

Nota. Its to be remembered that ther is omitted of the first article of the debts ten pounds Scots they pay yearly to the burgh of Linlithgow. As also its to be remembered that the commissionars charges to parliaments, conventiones of borrows, transporting of shouldiers and other contingencies lyes heavie on them and is much more then ther comon good will discharge.

BURGH OF FORTROSE.

FORTROSE.

Information by the magistrats and clerk of the united burghs of Fortrose and Rosemarky, by act of parliament and the Kings chartour, under the great seall, of old and lately ratified in parliament, anno 1661 yeares, now both called be the said chartour and ratificatione the burgh of Fortrose, and which as to Fortross was called the chanonrie of Ross, being the bishop and chanons seat, to the commissionars now at Invernes, appointed be the honourable members and commissionars of the haill royall borrowes of the kingdome of Scotland for visiting the northern borrowes and takeing ane account of ther comon good, debts and mortificationes (and of ther trade if any were) and be the saids visitors sua appointed to be reported to the next general conventione of the borrowes to meet and sitt at the burgh of Dundie.

1. The said burgh of Fortrose (united *ut supra*) have no trade by merchandizeing nor never hade that wee know or can learne of, being but a litle village and formerly a kirk toune or the bishop and chanons seatt, the few cramers or chopkeepers therin did not heirtofor nor does not now export or import any merchant vair, victwall, or any thing els of whatsomever kynd, be sea or land, that we know or can hear of, except some litle salt, iron, litts, spices, and such small comodities that the saids few merchants bring from Invernes, Findhorne, and Elgin ; and they are not able to doe otherwayes, for, to the best of our skill and knowledge, these in Fortrose called merchants are not intrinsique value, including ther chops and what they have in them, worth tuo hundreth pownd sterlin, and tuixt the one of the year and the other and tuixt ther credit and stock they doe not vair and buy to the extent and value of the said sowme, ther being but four of them in number, and all the rest of the inhabitants are but shoo makers, skinners, wivers, taillors and husbandmen laboureing the ground, and suchlyck poor

men and trades, whose poverty wee are ashamed to inform; and for further clearing of thus the informers appeall to the good town and magistrats of Invernes ther nixt neighbours.

2$^{do.}$ As to comon good, the burgh of Fortrose, of old called the chanonrie of Ross, have no comon good under the sunn, in less or more, to walk and work upon, except the custome of their tuo marcats which some years yields ane hundreth marks effectwally and no more and some years less, and of that the magistrats gives ther clerk thretie pownd Scots of fie and fourtie pownd to their schoolmaster, and when the custome mony is deffective any year for payment of the said two what is wanting to them, with their officers fies, is imposed on the inhabitants, together with the Kings cess, per annum, by way of stent. The said burgh, of old called the chanonrie, have no lands, houses or yeards holden *in libero burgagio de regie* or few of the magistrats therof *sed e contra* all holden of the seea, bishops and channons of Ross, when existing, and now of ther Majesties *jure corone*, and who get the haill few deuties, &c., dew and payable furth of these lands, houses and yairds, and it was ever soe since the foundatione of the bishoprick and by all appearance will hold soe, by which the poor burgh hes no help that way by way of the comon good; and when cess, outrig of whatsomever kynd, the dewes of royall burrowes and missives dewes and other publict contingencies occurrs to be payed, there is no way for it but allwayes to stent the inhabitants by the pole or *pro capita*, which as to tymes past and upon the accompt the heavie burdenes that occurred, made sixteen families if not more remove of the place to the countrey, being brock, and the rest lyck to go that way for that same cause, and which may be evidently seen by the stent roll imposed for payment of the present Lambas cess heirwith sent to the saids visitors to be seen and considered, wherein there are several persons stented that lyve on the charitie of the church and other good people, whereof wee are ashamed to condescend. As to the old burgh of Rosemarky, its trew that ther is lands and houses there holden *in libero burgagio de regie* to the extent of three or four hunder pounds Scots, highly racked, and that valued rent is incorporat with the shyre and payes in there cess with them anwally and did soe since the year 1638 that the troubles beginne and burdens laid on be way of monethly maintainance and cess, and by all appearance will containow soe, by which the poor united burghs have no help that no not of litle of their own lands since the shire keeps be it and maks the cess practicable in payment *majori vj*, which in good Scots terms may be called quartering, and not only in cess but in all other publict outrique, such as leavies to horse and foot, corne and strae, &c., since the poor burgh is not in conditione because off their poverty to daker with the shire for remead. And in that towne of Rosemarkie wherein there is no merchant or trafficquer in that station and but few inhabitants, such as suttarmen, husbandmen and wyvers, they allwayes [stent] the inhabitants for ther proportione of the said cess and all publict burdenes as those in chanonrie doe on all occasiones and as their stent roll sent to the visitors will sufficiently clear.

3. The magistrats and councill of the saids united burghs owes debt upon the publict accompt of the place, there is no doubt of it, for they owe and are resting upon that head eight hunder pound Scots if not more and no way wnder heaven to pay it unless the inhabitants be stented, which dare not be medled with in this junctur of tyme for fear the most of them runn away, and therfor as that upon annwallrent payeing in hopes of better tymes, and that the honourable royall borrowes will have pittie on the poor place and take their conditione wnder consideratione by giveing help one way and easeing of them as to their present proportion in the taxt roll, otherwayes there willbe noe magistracie heir, the people and inhabitants will runn away and no face of a burgh kept up at Fortross, by all appearance ; and [it has been] with great difficulty thir sewerall years past that magistrats was gott to wndergo that charge, and for fear of the chairge and trouble occurreing thereby seweralls that were fittest to undergoe the office left the place and went to leive in the countrey *ut supra.*

4to The united burghs of chanonrie and Fortross have no mortificationes nor ever hade. As to monie victwall or any else belonging to them or at the disposall of the magistrats, except the annwallrents of 1000 marks left by the late Alexander Mackenzie of Coull to the poor of chanonrie and be the magistrats there for the tyme to be manadged and distributed for the end mortified, its trew that the lait Barbara countes dowager of Seaforth mortified ane chalder victwall yeirly, and the lait Bishop Patersone of Ross the annwall rent of fyve hundreth marks yearly also to the poor of chanonrie, and both mortificrs left the minister and elders, including the magistrates of chanonrie, for the pairt of Bishop Patersone, to be patrons, manadgers and distributors of the said mortified victwall and mony, and these mortificationes being sacred in themselves cannot be any help to the burgh *sed e contra* most be applyed for the end and use proposed and mortified and noe other way.

5. Upon all these considerationes the burgh and inhabitants thereof being soe mean and miserable and their condition deplorable, could not heirtofoir give punctwall attendance to parliaments, conventions of esteats, or to the convention of the royall borrowes, aither particular or generall, yeit they sent to sewerall parliaments and conventions of lait for resigning ther priviledges as a burgh and for getting themselves expunged as a burgh royall, to be freed and quyt of ther unsupportable trouble and burdens, though heirtofore their intention took no effect, but if now the royall borrowes doe not considder the condition of the said place and inhabitants thereof as to all what [is] said, and therein give them help and ease, the poor burgh will represent itself when occasione offers and resigne *ut supra,* and if not accepted, certainly we think there will be no magistrats in Fortross and all the people or most of them will leave the place and cannot otherwayes doe *rebus ut nunc stantibus.*

Fortrose, the twentie nynth day of August, j^{m} vj^{c} and nyntie one yeares what [is] represented in this sheet of peaper and fyve articles sett downe therin in

Fortrose.

behalf of the said burgh and inhabitants therof, is attested to be of verity by us. *Sic subscribitur:* R. Innes, provost; Alexr. Speidieman, baillie; Androw Millar, baillie; David MacCulloch, counseller; Da. Moniepennie, counciller; Geo. Graham, counciller; Mr Hugh Dallas, clk.

Burgh of Kintoir.

Kintoir.

Ane accompt of the comon good of the burgh of Kintoir.

Imprimis, the said burgh hes of comon good payed to them, yeirly, 40 lib. Scots.

Dischairge of the comon good.

Imprimis, ther is payed out of the said soume to the schoollmaster the soume of 20 lib. yeirly.

Item, to the clerk the sowme of twelve pound yeirly.

Item, there is paid for mantainence of the bridge and for defending the river of Done of the toun, yeirly, the sowme of eight powndes.

The said burgh hes no mortifications nor marcats.

Item, the said burgh hes no trade in merchandizeing, and that all impositiones that are laid upon the said burgh is payed of the land rent in the said burgh.

Debts resting be the said burgh.

Imprimis, the said burgh is justly resting to the Earle of Kintoir the sowme of 1000 lib. debursed be him upon the towns accompt.

Item, ther is resting be the same burgh to sewerall persones the sowme of 800 marks Scots which they borrowed to repair the church which wes altogether ruinous.

Item, for repairing of the schoolhouse the sowme of ane hundreth marks Scots monie.

In testimonie of the verity of the haill premissis, thir presents are subscrivit be one of the baillies and towne clerk of the said burgh, at Kintoir, the [*blank*] day of [*blank*] j^{m} vj^{c} and nynty one yeares. *Sic subscribitur:* Rob. Bruce, baillie; Mr G. Scot, baillie and clerk.

Burgh of Innerurie.

Innerurie.

At Innerurie, the fifth day of September j^{m} vj^{c} and nyntie one yeares.

The accompt of the comon good and debts of the towne of Innerurie given up to the visitors appointed be the royall borrowes, viz.

The few deuties of the said burgh	73	6	8
The custome of ther fairs is	4	0	0
Discharge.			
To the clerk	6	13	4
To the schoolmaster and for precenter	42	0	0
Item, to the laird of Craigiewar of few for teynds yearly	1	6	8
Item, for mantaineing the bulwork to keep off the river of Don from the church	20	0	0

Item, for the equies yeirly	13	0	0
Item, the annwall rent of 1200 marks which they are dew to the Earle of Kintoir, Glenkindie and others is . .	48	0	0

The difference betuixt the charge and discharge they pay the samen by cess upon ther land rent; and this the magistrats and toun clerk declair to be of a truth, upon oath, day and place forsaid. *Sic subscribitur:* John Andersone, baillie; John Ferguson, baillie; Mr Geo. Scot, towne clerk.

Stranraer.

Burgh of Stranraer.

Stanraer, the twenty seaventh day of Aprill, j^{m} vj^{c} and nyntie two years. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissionars appointed be the royall borrowes, for visiting the wholl burghs royall be west and south the river of Forth, the present magistrats and towne clerk of Stanraer, who gave in ane accompt of ther patrimony and comon good, together with ane answer to the saids visitors instructions, as followes:—

1. As to the first article, it is answered that ther comon good amounts to, yearly, 143 lib. 16 s. 8 d. and that ther debts amounts to two thousand and five hundreth marks of principall, the anwallrent wherof is payed by a tax on the inhabitants.

2. As to the second article, it is answered that they have no mortifications belonging to them.

3. As to the third article, it is answered that they are nowayes concerned therein.

4. As to the fourth article, it is answered that they have a sufficient harbour of ther own if they hade any trade.

5. As to the fyfth article, it is answered that they have no theasaurers books, in regaird ther comon good is soe inconsiderable, and that they have produced ther court books to the saides visitors for instructing ther roups as in answer to the first article, and that ther equeis with clerks and other dewes amounts to twenty pounds Scots.

6. As to the sixt article, it is answered that they have no forraigne trade and that ther inland trade is most inconsiderable, and by retaill of goodes they bring from Glasgow, Air, Greenock and Kilmarnock, from which last they buy only knives and bonnets, &c., and that they will sell about seaven hundreth sheep skins which they vent to the nearest royall burghs and buyes the same in the countrey, and that they have vented these fyve years bygone about a half tunn of wine, three last years wherof they have sold none, and that they vent about half a hogshead of seck and a butt of brandie yearly, and that they consum about ten bolls of malt, Lithgow measour, weekly.

7. As to the seaventh article, it is answered that they have no ships, barks

or ferrie boats, only four small boats they used to imploy in ther herring fishing, since the decay whereof they have lyen useless; and that they have no trade for shiping, the inhabitants being poor.

8. As to the eight article, it is answered that they are not owners nor pairtners of any ships or barks belonging to burghs royall, of regality or barronie, nor are they concerned in matter of trade with unfree burghes.

9. As to the nynth article, it is answered that ther cess is payed by a tax on ther inhabitants.

10. As to the tenth article, it is answered that they pay yearly to their minister four hundreth markes and four bolls of meall, for which ther inhabitants are taxed, and that the schoolmaster and precenter hath two hundreth marks yeirly out of ther comon good, and that all other there publict servants are payed by a taxation on their inhabitants.

11. As to the elleaventh article, it is answered that all ther publict works, commissioners charges to parliament and conventiones, and others contained_in the said article, are all payed and mantainit by a tax on ther inhabitants.

12. As to the twelth article, that the two pairts of the tenements of the towne belongs to herretors in the countrey, and that the rent of ther houses will extend tuixt thretie pownd and fourtie shillinges Scots, and that they have no stranger inhabitants.

13. As to the thretteenth article, it is answered that they have two yearly fairs, each of one dayes containwance, and that they [have] a weekly flesh marcat from the first of November to the first of January and no longer, and that the customes of both are a pairt of their comon good and soe stated in answer to there first article.

14. As to the fourteenth article, it is answered that they have only one burgh of barronie within ther precinct, called Portpatrick, which does nowayes prejudge them as haveing noe trade.

15. As to the fyfteen article, it is answered that they have no casuall comon good.

This is the trew accompt of the state and conditione of the said burgh of Stanraer, in answer to the abovewrittin instructions, as it is given up, upon oath, by the saides magistrats and towne clerk of the said burgh to the saides visitors, day and dait forsaid. Witness ther subscriptions of thir presents. *Sic subscribitur:* Pa. Paterson, provost; Pat. Kennedie, baillie; Hervie, baillie; J. Patersone, clerk.

NOTE OF THE BRUGHS THAT WERE NOT VISITED.

The brugh of Week in Cathnes.
The brugh of Dornock in Sutherland.
The brugh of Kirkwall in Orkney.
The brugh of Bervie in Mernes.
The brugh of Galoway

SETTS

OF THE

ROYAL BURGHS OF SCOTLAND.

In the General Convention of the Royall Burrows, holden at the Burgh of Edinburgh, upon the fifteen day of July one thousand seven hundred and eight years, by the commissioners therein convened :

The which day, the conventione, finding by experience that nothing doth creat more trouble to them then irregularities and abusses committed by particular burghs in electing their magistrates and town counsell contrare to their sett and ancient constitution, therefore the convention, to obviat this inconvenience in time comeing, statut and appoint that each royall burgh within this kingdom send up their sett to the clerks of the burrows, to be recorded in a particular book to be keeped for that very purpose, to the end any question about their respective sets may be quickly discust upon producing the said book, and that betwixt and the next convention, certifying such as shall faill herein they shall be fined by the next annual convention in the sum of two hundred pounds Scots money. Of which sets the tennors follow :—

SETTS

OF THE

ROYAL BURGHS OF SCOTLAND.

BURGH OF EDINBURGH.

Edinburgh.

Abstract of the Sett of the City of Edinburgh and decreet arbitral pronounced thereupon by King James the Sixth, and registrat in the books of counsell and session, the nineteen day of June one thousand five hundred eighty-three years.

Magistrats.

The magistrats, such as provost, baillies, dean of gild, and treasurer, to be in all time coming of the estate and calling of merchants, conforme to the acts of parliament; and if any craftsman, exerceand merchandize, shall for his good qualities be promoved thereto, in that case he shall leave his craft, and not occupy the same be himself nor his servants during the time of his office, and shall not return thereto at any time thereafter whill he obtain speciall licence of the provost, baillies, and counsell to that effect.

Counsell.

The counsell to consist of ten merchants, to witt, the old provost, four old baillies, dean of gild and treasurer of the next year preceeding, and three merchants to be chosen to them; and also to consist of eight craftsmen, thereof six deacons and two other craftsmen, making in the haill, the said counsell, eighteen persons, and this by the officemen of that year, to witt, the provost, baillies, dean of gild and treasurer.

Election.

And as to the manner of their election, it is first generally accordit and agreed that no manner of person be chosen provost, baillies, dean of gild, or treasurer, suppose they be burgesses of the burgh and able therefore, without they have been ane year or two upon the counsell of before. And anent the counsell, the old manner of giving in of tickets be the deacons out of the whilk the two craftsmen were yearly chosen, to be abrogat, cease and expyre in all time coming, sua that the saids two craftsmen shall be chosen yearly without any ingiving of tickets, indifferently, of the best and worthiest of the crafts, be the saids provost, baillies, dean of gild, treasurer and counsell alenerly, and none to be in the counsell above two year together, except they be officemen, or be vertue of their offices on the counsell. Sicklike, anent the leits to be baillies, they shall not be divided nor casten in four ranks, three to every rank, as they were wont to be, but to be chosen indifferently, ane out of the twelve leits, another out of the eleven leits, the third out of ten, and the fourth out of nine leits. Anent the deacons, that none be elected deacon except he that has been ane master of his craft two years at the least, and that none of them be continued in their offices of deaconship above two years together. Last, in general, that none have vote in leiting, voting, electing of the provost, baillies, counsell, deacons, dean of gild, or treasurer, but the persons hereafter following in manner after specified.

Election in speciall of deacons.

And to proceed to the said election, it is found good to begin at the choosing of the deacons of crafts, whilks are fourten in number, to witt, chirurgians, goldsmiths, skinners, furriers, hammermen, wrights, masons, taillors, baxters, fleshers, cordiners, websters, walkers, bonnetmakers, so the deacons now present shall stand and continue while the third counsell day before the old time of electione of the new counsell, which was on the Wednesday next preceeding the feast of Michalmass, upon the whilk third counsell day, the provost, baillies, and counsell, now standand, extending to nineteen persons, and from thenceforth, yearly and ilk year, the provost, baillies, and counsell, constitute of the said twenty-five persons, shall call in before them the saids deacons of crafts, every one severally, and enquire their opinion and judgement of the best and worthiest of their crafts. Thereafter the saids provost, baillies, and counsell shall nominat and leit three persons of the most discreit, godly and qualified persons of every one of the saids fourteen crafts, most expert hand labourers of their own craft, burgesses and freemen of the burgh of Edinburgh, whereof the old deacon shall be one, and cause deliver their names to the deacons, every one according to their craft; whilk deacons, on the morn thereafter, shall assemble and conveen their crafts, and every craft be themselves, forth of their names, shall elect one persone who shall be their deacon for that year; and upon the next counsell day after the said election the old deacons, with some of their masters of their crafts, shall present the new deacons to the counsell, who shall authorise them in their offices.

New counsell of deacons.

Next, to proceed to the election of the new counsell, the said day of presenting of the new deacons, the provost, baillies, and counsell, now standand of nineteen persons, and fra thenforth, the said day, yearly, the provost, baillies, and counsell, of twenty-five persons, shall choose forth of the saids fourteen deacons six persons to be adjoyned with the new counsell for the year to come, and to have speciall vote in leiting and choosing of the provost, baillies, and counsell; and the same day the old six deacons, whilk was upon the counsell the year preceeding, to be removed and have no further vote for that year, except some of them be of the number of the new elected deacons.

New counsell of merchants and crafts.

Thereafter, upon the Wednesday next preceeding Michalmass ilk year, the provost, baillies, dean of gild, treasurer, and ten merchants of the counsell, and the said six deacons and two craftsmen, and in the haill twenty-five persons and twenty-six votes, be reason of the provosts two votes, ordinarly standand at all times, shall conveen and choose the new counsell to the number of eighteen persons, to wit, the old provost, baillies, dean of gild, and thesaurer of that year, and the said six deacons to make thirteen persons thereof, and to them to be chosen three merchants and two craftsmen, and thir persons to be called the new counsell; and if any persone of the merchants, chosen upon the new counsell, happens to be put on the leit of another office and promoved thereto, another shall be chosen in his room be the saids provost, baillies, and counsell.

Leits of Magistrats.

Thirdly, to proceed to the choosing of the leits to the magistrats and officemen, such as provost, baillies, dean of gild, and treasurer, upon the Friday next thereafter there shall conveen the said new counsell of eighteen persons, and the old counsell constitute of twelve persons, viz., ten merchants and two craftsmen, and in the haill thirty persons, [by] the provosts odd vote, whilks persons solemnly protesting before God that they shall choose the persons whom they find most meet, without favour, hatred, or any kind of collusione, then shall begin and choose the leits to the said magistrats and officemen, to every one of them three leits, that is to say, to the provost two leits with himself, to the four baillies, every one of them, three leits, the old baillies not being ane except they be new chosen thereto, to the dean of gild two leits with himself, and to the treasurer two leits with himself; whilks haill leits shall be of the order and calling of merchants as said is.

Election of magistrats.

Fourthly, to proceed to the electing and choosing of the said magistrats and officemen, upon the Tuesday next after Michalmass yearly there shall conveen the saids thirty persons of new and old counsell, and with them the rest of the deacons of crafts whilks are not of the counsell, extending to eight persons, the haill persons sua conveened extending to thirty-eight persons, by the provosts odd vote, thereof twenty merchants and eighteen craftsmen, whilks persons shall begin at the leits of the provost, and every one in their own rank give their votes to such as they find meet for the well of the toun, according to their knowledge and conscience, but feid or favour, and on whom the greatest number of votes shall fall, that he be sworn, received and admitted provost for that year; and sua to proceed through the leits of the baillies, dean of gild, and treasurer, while the said election be compleatly ended. The saids provost, baillies, dean of gild, treasurer, and counsell, elected as said is, making in the haill twenty-five persons, they only and no others shall have the full government and administration of the haill commone well of this burgh in all things, as the provost, baillies, and counsell thereof, or of any other burgh, had of before, or may have hereafter, be the laws or consuetude of the realme, infeftments and priviledges granted to this toun be our Soveraign Lords most noble progenitors, exceptand alwayes thir

EDINBURGH.

causes following, in the whilks the haill fourteen deacons of crafts shall be called and adjoyned with them to give their speciall vote and consultation thereinto, to witt, in election of the provost, baillies, dean of gild, and treasurer, as said is; in seting of fews or any manner of tacks; attour the yearly rouping on Martinmas even; giving of benefices and other offices in burgh; in granting of extents, contributions, emprimits, and sicklike; bigging of commone works; and in disponing of the commone good above the sum of twenty pounds together.

PERTH.

BURGH OF PERTH.

Sett of the Burgh of Perth anent their annuall election.

The counsell of the said burgh consists of twenty-six in number, whereof fourteen are merchants and twelve are tradsmen, who, conforme to their ancient custome, do upon the first Munday after Michalmass, yearly, at ten of the clock in the forenoon, conveen within their counsellhouse, and after prayer to Almighty God for his assistance and direction in that matter, they proceed to their election of the magistrats and the counsell for the ensueing year in manner following:—

First, if any of the members of the merchant counsell for the preceeding year be absent, by reason of death, sickness, or any other necessary and urgent affaires, in that case the merchant counsell, by plurality of votes of their own number, give the vote or votes of the persone or persons absent to so many persons of their own number who are present.

Secondly, each person of the old merchant counsell gives out one, but it is to be observed that these persons who were provosts, baillies, dean of gild, and treasurer the last year, are not elected, but continue to be counsellers for the ensueing year, albeit not of new elected to continue in the office of magistracie, &c. for a second year.

Thirdly, the counsell, by plurality of votes of both gildrie and trades, out of the leits given in to them by the trades, doe elect the counsellers for the trades for the ensueing year; thereafter the new elected counsellers are called for, and before they be allowed to take their chair and sit down they are qualified by taking the oaths prescribed by law, the oaths of fidelity, secrecie, and that they shall not vote to the continueing of the provost, baillies, and dean of gild in office longer time than two years together.

Fourthly, the counsell being thus fully constituted, he that was provost for the preceeding year, if he has been only provost for one year, gives out ane fit person on leit with himself; if he hath been two years provost together, and so not capable to be elected himself, gives out two on leit; and if the counsell be not satisfied with the leit, they, by plurality of votes, add another fitt person to the provosts leit; and out of that leit the counsell, by plurality of votes, elects one to be provost, sherrif, and crowner of the burgh for the ensueing year, who before he takes his chair is qualified conform to law.

Fifthly, he that was dean of gild the preceeding year gives out on leit these that were the three merchant baillies for the last year, out of which leit the counsell elects their dean of gild for the ensuing year.

Sixthly, the first baillie for the preceeding year, if he hath been in office but one year, gives out one fit persone with himself on leit, and if he hath been two years in office, and so not elective himself, gives out two fitt persons on leit to be elected first baillie for the ensueing year; and if the counsell be not pleased with the leit, they add another fitt person to the leit, out of which leit they elect their first baillie; and after the same forme and manner the second and third merchant baillies are leited and elected; and immediately after election qualified conform to law.

Seventhly, the trades have the trades baillies per vices (except the wrights, taillors, fleshers and shoemakers, who in this burgh are called the four small trades and have but a baillie among them four each four years, the hammermen having the first, the bakers the second, the glovers the third, and the said four small trades the fourth) and that trade who falls to have the trades baillie the ensueing year meets in the morning before the election and makes choise of two fitt persons of their trade to be given in by them on leit to the toun counsell, and the counsell elects one of them two to be trades baillie the ensueing year.

Nota.—That the weavers and walkers are debarred from being members of the counsell of Perth.

Eighthly, the treasurer is a merchant the one year and a tradsman the other, and that year that he is a merchant the new elected provost gives out two fit persons on leit to be treasurer, and if the counsell be not pleased with the leit they add another, and then, by plurality of votes, elect one of the three treasurer for the ensuing year; and that year that the trades have the treasurer, who have him also per vices, as they have the trades baillie, that trade whose toure it is to have him gives in two fit persons of their trade to the toun counsell on leit, out of which the counsell elects one to be treasurer for the ensueing year, who being called for (if he was not a member of counsell before) gives his oath of fidelity and takes the other oaths prescribed by law.

Ninthly, on the Wednesday after Michalmass the several trades meet at their respective meeting houses and elects their deacons for the ensueing year, and on the Thursday, the trades baillie, trades counsellers, and deacons meet and elect their deacon convener.

Signed by me. *Sic subscribitur :* RO. GRAHAM, Clerk.

BURGH OF DUNDEE.

Sett of the election of the magistrats and counsell of the Burgh of Dundee.

The magistrats and counsell, consisting of twenty persons, doe meet yearly on Tuesday preceeding Thursday immediately preceeding Michaelmass, and after

DUNDEE.

leiting of ten merchants and six tradsmen, they make choise of five merchants and three trades to be counsellers for the year ensueing, of which there must not be two trades counsellers of one trade.

After the saids merchants and trades counsellers are chose and accepting, the old and new counsell proceed to the making up of leits for the new counsell, and, after nominating of four persons who have caryed the charge of magistracie, they make choise of two to be on the leit for the provosts office, then they proceed to the making up of leits for the baillies office, and they nominate sixteen who have carried the charge of counsellers, and out of these they make choice of eight to be on the leit for the baillies office; then, out of the four baillies presently in office they make up a leit of two for the dean of gilds office; then they nominate four for the treasurers office, and of these they make choice of two to be on the leit. On Wednesday thereafter these leits are extracted and given out to the convener of the nine trades, who do meet in the common buriall place, and every trade gets a double of the leits. On Thursday thereafter the nine deacons and old and new counsell proceed to the electing of the provost, baillies, dean of gild, and treasurer, which is carried according to the plurality of votes.

Extractum per me. *Sic subscribitur:* A. WEDERBURN, Clerk.

ABERDEEN.

BURGH OF ABERDEEN.

Sett of the Burgh of Aberdeen.

The toun counsell of Aberdeen is chosen yearly out of the whole citizens and burgesses of the city. The roll of the whole brethren of gild being first read at every election of the counsell, which holds upon the Wednesday before Michalmass day, there being a large catalogue drawn up of all the brethren of gild amongst them, every persone (whom any of the old counsell desires to be listed amongst these out of whom the new counsell is to be chosen) is presently set doun in that new list, and when the list is compleated by the reading over the whole brethren of gild of the toun there is ane indefinit number set doun upon two or three sheet of paper, with lines drawn after every one of their names, and this is given to the present provost, baillies, and the whole old counsell, that every one may make choice of thirteen brethren of gild to be named for the new counsell for the year to come, and most votes or marks make up the number. Next, they of the old counsell choose out of their own number four who are called the old four, which being added to the former thirteen make up the number of seventeen brethren of gild; and, lastly, having got the roll of all the present deacons of trades, there are two of these deacons chosen, which makes up the compleat number of nineteen for the counsell the year ensueing. The new chosen counsellers being all sent for and come in the afternoon, the whole old and new counsell, with the six deacons of trades and the four deacons of the old and new counsell, which makes up ten deacons of trades and thirty brethren of gild, making up in all the number of forty votes, they altogether choose first the provost, then four baillies, a dean of gild, a treasurer, a master of the kirk work and bridge work, a master of the mortified money, a master of the gild hospitall, a master of the shoar, called master of the impost, and six single counsellers, who beare no office but sit and vote in all affairs that come before the counsell with the two deacons of trades. If in this election there fall to be one having equall votes, the provost in this case hath the casting vote. ABERDEEN.

This is the true way of election of the toun counsell of Aberdeen, yearly. In testimony whereof, thir presents are subscribed be Mr Alexander Thomson, common clerk of the said burgh, at Aberdeen, the twenty first day of June one thousand seven hundred and ten years.

Sic subscribitur : AL. THOMSONE.

BURGH OF STIRLING.

STIRLING.

Sett of the Burgh of Sterling with respect to the yearly election of their magistrats and counsell.

1. The town counsell of Sterling consists of the provost, four baillies, dean of gild, treasurer, seven merchant counsellors, and seven trads counsellers, being deacons of crafts, making in whole twenty-one persons.

2. The dean of guild, as well at the yearly election as at all other occasions, presides in counsell, and in case of his death or absence the provost presides, and the preses has only the casting vote in case of paritie.

3. The dyet of election of the magistrats and counsell has been and continues to be upon the immediat lawfull day preceeding Michalmass yearly, but they are not stinted to any particular day.

4. About a fourtnight before the new election, the magistrats and counsell issue ane act appointing the deacon conveener of the trades to order the severall deacons to conveen their respective trades, at their ordinar meeting place, in order to their giving in to the counsell lists, commonly called leets, of such persons in each trade, out of which lists their deacons are to be chosen, who accordingly meet, and there being only seven incorporat trades in Sterling, viz., hammermen, weavers, taillors, cordners, baxters, fleshers, and glovers, each of these trades are obliged to give in a leet of four of their respective numbers, except the baxters who are obliged in case their number amount to eight persons, or fewer, to give in all these nominatim, in leet, and if their number exceed eight then to give in to the counsell the leet of eight only.

5. The town councell meets about eight days before the new election, and in the first place fill up their compleit number (in case of death or absence of a part of them) by electing others in their places during the new election, but in case any of the absents return before the dyct of election, and be present thereat, they take their own place. The counsell being full, the seven deacons give in

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to them their several leets, whereupon the counsell after voting returns two of the persons contained in each leet, to each trade, one of which two the trade is obliged to make choise of as their deacon, and accordingly the trades againe meet and elect their deacons, and thereafter the new and old deacons elect the deacon convener.

6. Upon the dyet of electione, which is ordinarly upon the twenty-eighth day of September, if a lawfull day, the old counsell meet, including the old deacons, and elect the new merchand counsell, consisting of fourteen persons, one after another, and immediately after electing of the new merchand counsell the seven new elected deacons are called to and admitted by the counsell; and both the new merchand counsell and they gives their oaths *de fideli* as counsellers untill the next election, and then both new and old counsell elect the magistrats and office-bearers, viz., provost, baillies, dean of gild, and treasurer; and in the election of the provost, dean of gild, and treasurer, there is alwayes three persons named in each of their leets.

7. By a decreet of declarator of the lords of session the major part of the town counsell must be changed and put off yearly, and accordingly there are alwayes seven of the merchand counsell and four of the deacons exauterat. And, farder, neither provost, baillies, dean of gild, nor treasurer, can be continued in the same offices longer than two years successively.

Sterling, June the twenty, one thousand seven hundred and nine. The above sett is attested by, *sic subscribitur:* J. Finlayson, clerk.

Linlithgow.

BURGH OF LINLITHGOW.

The sett of the Burgh of Linlithgow.

The said burgh was erected in ane burgh royall be Robert, King of Scots, with the port of Blackness, small customes, tolls and others, as their originall charter, dated at Linlithgow the twenty-third day of October and of the King's reign the eighteen year, bears.

The whole number of the magistrats, merchant counsellers, and deacons of crafts, consists of twenty-seven persons, to witt, the provost, four baillies, the dean of gild, treasurer, twelve merchant counsellors, and eight deacons, to witt, of the smiths, taillors, baxters, cordiners, weavers, wrights, coupers, and fleshers. The provost, baillies, dean of gild, treasurer, and twelve counsellers, are to be of the estate and calling of merchants, or of such other burgesses as are not incorporat with the trades. The manner of election is as follows:—On Saturday before Mathews fair, which falls on the twenty-first of September yearly, the deacons gives in to the counsell, to be approven by them, ane account of the commone good the year preceeding, with the leet of the deaconry of three persons, one of which there is dilated by the counsell, and the present deacon and the other two

LINLITHGOW.

are on the leets, and thereafter the severall incorporations meets and elects their deacon out of the said leet, and the persone dilate is alwise preses at the election of the deacon.

On the Saturday thereafter the speciall mastermen of the crafts presents the new deacons to the counsell, who are sworn and admitted counsellers untill the next Michalmass. And the same day the new merchant counsell of twelve is chosen be the old counsell as follows.

There are twelve chosen on the leets and added to the old counsell, out of which number the new counsell is chosen one by one; and the same day the leets of the provostry are chosen, being two out of any of the counsell not being deacons, but the leet may be altered the day of election.

The election of the magistrats, which is alwayes upon the first Munday after Michalmas is done as follows:—First, of the provostry, the leet made the last counsell day is either continued, or a new leet of two chosen and added to the present provost, out of which number the new provost is chosen.

Secondly, of the bailliary, there are eight chosen on the leets out of the merchant counsell who are added to the present baillies, and out of that number the new baillies are chosen, one baillie with two on the leets with him removing by turns.

Thirdly, of the dean of gild and treasurer there are two chosen on the leet for each of them out of the merchant counsell who are added to the present dean of gild or treasurer, and out of that number the new dean of gild and treasurer are chosen, who are also to continue untill the election at the next Michalmass.

The dean of gild counsell consists of six members, to witt, four merchants, and two deacons, beside the dean of gild himself, who are listed by him and given in and approven be the toun council; and the acts of the dean of gild counsell and the dean of gilds yearly accompts are also approven of be the toun counsell.

Given under the hand of William Bell, commone clerk of the said burgh, at Linlithgow, the seventh day of May j^{m} vij^{c} and nine years.

Sic subscribitur: WM. BELL, *clerk*.

BURGH OF ST ANDREWS.

ST ANDREWS.

Sett and Constitution of the Counsell and Magistrats of the City of St Andrews with the manner of election.

The counsell of St Andrews consists of twenty-nine persons (beside the clerk) who all at their entry and admission take the oath *de fideli administratione*, which is found amongst the ancient registers belonging to the city.

The counsell are as follows:—the provost for the time alwayes preses of the counsell, dean of gild, four baillies, the treasurer, all gild brethren, other fourteen gild brethren, the deacon convener of trades, and the seven deacons of trades

St Andrews. following, to witt, the deacons of the smiths, wrights, baxters, taillors, shoemakers, weavers, and fleshers.

The counsell, thus constitute, do meet at the preses or magistrats order, intimate to them by the common serjeands or toun officers, as oft as the commone affaires of the burgh do require.

Upon the Wednesday next before or after the twenty-fourth day of September yearly, the counsell conveens by order as aforesaid, where in order to the election, first tryall is taken how many of the counsellers for the former year are dead, and (if their places have not been filled formerly) the counsell proceeds, by leit and voting, to appoint others in their roome, and accordingly these being chosen are appointed to be warned to compear on Friday thereafter to accept and make faith. This is called, by the counsell books, the making up of the old counsell. Then the same Wednesday the counsell, by leit and voice, choise other three counsellers, who continue in that imployment the haill subsequent year. These are appointed to be warned by the common serjeands to compear the said Friday immediately following to accept and make faith *de fideli administratione*, and these are called the three new counsellers till the election be over.

Upon the Friday immediately after the said Wednesday, and is alwise before or upon Michalmas day, the twenty-ninth of September, the counsell, by order of the magistrats, are conveened in the Tolbuith of the city, and there, first of all, these chosen for making up the old counsell are called to compear, accept, and make faith *de fideli administratione*, by taking and swearing the oath above mentioned. Thereafter the three new counsellors are also called to compear, accept, and make faith *de fideli administratione*, by taking the same oath. Then these counsellers proceed to the leiting of the persons for the following offices, to witt, the provost, dean of gild, baillies, and treasurer, in this manner:—The provost (if present) being alwayes preses, with consent of the other magistrats, names two other persons with himself to be on the provost's leet, of the grave, wise, loyall and most substantiall neighbours, inhabitants, gild brethren, within the city, or burgesses who are some way traffickers and merchants and ordinarly have born that same or some other office within the city, and who have served some time at the least as counseller, but seldome are any named to be on the provost's leet who are that year either dean of gild, baillies, or treasurer. If this nomination please the counsell, then none are added, but if otherwise, then any counseller may crave one to be added, which is allowed, and after one or more are added to the provost or preses nomination, then three of them, the present provost being alwise one, are voted to be on the provost's leet. Then the provost or preses gives out the leit for the dean of gild's office which is voted as the former leit and then concluded, being the present incumbent and other two loyall substantiall merchants, actuall traffickers within the burgh, and ordinarly who have formerly served as baillies. Thereafter the preses gives out the baillies leit, which consists of the four present incumbents and other eight gild brethren

St Andrews.

and merchants within the burgh added to them; and this is voted, continued, augmented and stated as the two former leits, wher the same forme is observed in making the treasurers leit, with this difference, that none that have served in a superiour office, can be brought down to the leit of ane inferiour office, so that once provost he cannot be put in another leit, and *sic de incepto.*

The Tuesday thereafter, being either Michalmass day or the Tuesday immediately after Michalmas day, the counsell, old and new, consisting of twenty-four gild brethren, and the conveener and seven deacons being called, conveens punctually within the tolbuith at ten of the clock in the forenoon, and after voting and electione, the provost, dean of gild, baillies, and treasurer, are elected and chosen, who accept and make faith *de fideli administratione*, according to the oaths recorded in the ancient records of the city. Immediately thereafter these of the deacons of crafts who go off that imployment for the succeeding year take leave and quite the counsell and these who are chosen by the respective crafts (wherein the counsellers have no vote) doe also compear, accept, and make faith as counsellers for that year. Then the dean of gild choises his assessors, being ordinarly the provost, baillies, treasurer, and two or three more of the counsellers, actuall traders, to be assistant to him in the discharge of his office and keeping of gild courts. Thereafter the keyes of the charter chist are enquired unto, and one is committed to the provost, another to the dean of gild, and another to the eldest baillie, and the fourth to the deacon conveener, who must alwayes be present at the opening thereof to take out or put in ane evident book or thing therein. And thus the electione is over.

The week following the magistrats call the counsell, which is constitute by the provost, dean of gild, four baillies and treasurer, new elected and appointed, and of such others who were in these offices for the former year, who *ex-officiis* are counsellers for the following year, and of the three new counsellers chosen before the electione, and wherein all these are short in the number of the twenty-one the magistrats warnes so many more of the gild brethren to be upon the counsell as will make up the number, and of the conveener and other seven deacons who are in that station that year make up in haill the number of twenty-nine *ut supra.*

Extracted forth of the records of counsell by me,

Sic subscribitur: Pa. Wilson, *clerk.*

BURGH OF GLASGOW.

Glasgow.

Sett of the Burgh of Glasgow.

At Glasgow, the twenty second day of October j^{m} vij^{c} and eleven years, the which day, the provost, baillies, and toun counsell conveened, considering that by ane act of the general convention of royal burrows, the whole royal burghs are ordained to transmit to the clerk to the royall burrows each of their setts and customes in their elections of their magistrats and counsell, to be recorded in the books of the general convention of the said royal burrows, in manner and to the effect as is more fully specified in the said act, therefore the magistrats and toun counsell doe hereby declare the sett of accustomed way of this burgh of Glasgow in their election of their provost, baillies, toun counsell, dean of gild, deacon convener, treasurer, and others after insert, to be as follows, viz. : By the ordinary set of the said burgh the toun counsell thereof (beside the provost and three baillies) is to consist of the number of thirteen merchants and twelve trades, and if either the dean of gild, deacon convener, treasurer, or master of work, or all of them, shall happen to be chosen of persons not in the toun counsell, they by their election become extraordinary counsellers.

The election of the provost and baillies.

Upon the first Tuesday after Michalmass (which is the ordinary day of electione of those who should bear office as provost and baillies of this burgh for the year ensueing) the provost, baillies, and toun counsell conveened, doe proceed first to the election of the provost, and the haill counsell being removed from the table, except the present provost and baillies, the said provost and baillies doe leit the merchant rank in four leits, and the counsell being called to take their place at the table, each of the said four leits are severally voted and one chosen out of each of them, and the said four persons so chosen being removed and divided in two leits, and the said two leits being severally voted, there are two persons chosen out of the same, and which two persons are put in one leit and the same put to the vote which of them shall be chosen as provost he who has plurality of votes is elected as provost for the year ensueing, and he may be elected and continued at the next years election for a second year but he cannot be leited or elected till two years expire after his going out of the office.

Item, after election of the provost as said is, they doe proceed to the electione of the three baillies, and the haill counsell being again removed from the table, except the provost elected as is immediately above written and the three baillies who are to be changed with the late provost or provosts, the saids persons not removed set doun the leits of the merchants and crafts ranks in counsell, out of which the three baillies are to be chosen for the year ensueing, the merchant rank who are capable to be leited are divided in four leits, and the counsell being called to take their place the said four leits are severally put to the vote and one chosen out of each of them, and the said four persons so chosen being divided in two leits, and the counsellers of the trades rank being divided in three leits and severally put to the vote there are three persons chosen which are put in one leit, and the saids three leits of merchants and crafts (after the persons thereon are removed) being severally put to the vote there is one of the two in the first leit of the merchant rank chosen for first and eldest baillie and one of the two in the second leit of the merchant rank chosen second baillie for the year ensueing; as also there is one of the three in the leit of the crafts rank chosen as baillie for the crafts rank. And it is also the sett and custome in the election of the baillies that none of the counsell who have been elected baillie can be thereafter leited for or elected a baillie till two years expyre after their being out of that office.

The election of the toun counsell.

Upon the first Friday after the election of the said magistrats there do conveen the present provost and three baillies, and the provost and three baillies that were in office the last year, and the provost and three baillies who were magistrats the year preceding the last year, which three years magistrats makes up the number of twelve, and if any of the said number be defective in respect of one man being provost two of the said three years, or by the absence or death of any of the tuelve, therefore these conveened doe elect or call for so many persons as shall happen to be wanting of the said full number, of the same quality of the absents, whether they be merchands or crafts, to make up the said number of tuelve, who are appointed by the constitution of this burgh to make choice of these who are to bear office as counsellers of this burgh for the year ensueing; and then do proceed to the election of thirteen of the merchant rank, and tuelve of the trades rank to bear office as counsellers; which counsellers are elected as follows, viz. : The whole thirteen of the merchant rank and tuelve of the trades rank who were counsellers the year preceeding are leited with others of the same rank who are not counsellers, and in respect that the present magistrats are chosen out of the last counsell, the late magistrats do come in their place to make up the number and be leited as counsellers, and none of the said thirteen merchants or tuelve trades can be leited one with another, but with persons out of the counsell as said is, except in the case when either the dean of gild, deacon convener, treasurer or master of work shall happen to be extraordinary counsellers by their office they may be leited against as many of the magistrats and trades counsellers of the same rank, and in case it shall happen at any time that a considerable number of the counsellers who are elected as said is doe not accept, the magistrats and counsell may and have been in use to elect others in their roome and place.

The election of the dean of gild, deacon convener, treasurer and others.

Upon the first Wednesday after the election of the counsell, doe conveen the provost, baillies, and counsellers, both of the merchants and trades ranks, together with the deacons of the respective incorporat crafts of the burgh, and because that the trades bailie and counsellers and deacons foresaid do exceed the number of the magistrats and counsell of the merchants rank there are as many merchants added to them as makes up the merchants and trades ranks both alike in number, and then there is a leit produced from the merchants house contained in ane act thereof under their clerks hand consisting of three persons of the merchants rank, and one of them is chosen be the magistrats and toun counsell and others foresaids to bear office as dean of gild of this burgh for the year ensueing. Also there is a leit produced from the trades house contained in ane act thereof under their clerks hand, consisting of three persons of the crafts rank,

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and one of them is chosen be the said magistrats and toun counsell and others forsaids to bear office as deacon convener of this burgh for the year ensueing; and in the election of the dean of gild and deacon convener the provost has the first vote, and in case of equality the casting vote; but in other elections has only the casting vote.

Thereafter the merchants and deacons who are added to the merchants and toun counsell for electing the dean of gild and deacon conveener being removed, the magistrats and toun counsell put two or three persons on the leit, which is put to the vote and one of them is chosen to bear office as treasurer of the burgh for the year ensueing, and that the leit out of which the treasurer is elected consists of the merchant rank and trades rank *per vices* or year about.

Item. In electing the baillie of Gorballs, the magistrats and toun counsell put two or three of their number on the leit, which is put to the vote and one of them is chosen to bear office as baillie of the Gorballs for the year ensueing, and the leit of which he is chosen consists of the merchants rank and trades rank *per vices* or year about.

Item. In electing the water baillie, the magistrats and toun counsell doe put two persons (either of the counsell or not of the same as they think fitt) upon the leit, which is put to the vote and one of them is chosen to bear office as water baillie for the year ensueing, and the leit out of which he is chosen consists of the merchants rank and the trades rank *per vices* or year about.

Item. In electing the master of work, the magistrats and toun counsell doe put two persons of the merchant rank (either of the counsell or not of the same as they think fitt) upon the leit, which is put to the vote and one of them is chosen to bear office as master of work of the burgh for the year ensueing.

Item. There is a leit produced from the incorporation of maltmen, under their clerks hand, consisting of four or five persons of that trade, which leit being put to the vote one of them is chosen be the magistrats and toun counsell to be visitor of the maltmen for the year ensueing.

Item. There is a leit produced from the incorporatione of gardeners, under their clerks hands, consisting of two persons of that trade, which leit being put to the vote one of them is chosen be the magistrats and toun counsell to be visitor of the gardeners for the year ensueing.

Item. In electing the procurator fiscall of court, there is a leit made be the magistrats and toun counsell consisting of two persons, which leit being put to the vote one of them is elected procurator fiscall of court for the year ensueing.

And the magistrats and toun counsell recommends to the provost to transmitt ane extract hereof, under the clerk's hand, to the clerk to the convention of royall burrows, to the effect specified in the said act of the burrows.

Extracted be me. *Sic subscribitur*: JA. M'BRYD.

BURGH OF HADDINGTON.

Haddington.

Sett of the Burgh of Hadingtoun.

At Hadingtoun the thirteen day of November j^m vj^c fifty-eight years. The which day, the provost, the baillies, and counsell, old and new, and deacons of crafts with their counsellers old and new, being conveened, and taking to their consideration the settlement of all debates touching the dependence before his Highness counsell in Scotland, betwixt the counsell and craftsmen, anent the leiting and electing the magistrats and ordinar counsell of the said burgh, conforme to and in obedience of his Highness and counsell their recomendation and advice, for preventing future debates, have finnally agreed as follows, viz.:—That, conforme to the act of burrows, dated at Edinburgh the tenth day of July j^m vj^c fifty-five years, the ordinar sederunt of the counsell of the said burgh consist of twenty-five persons, whereof sixteen merchants qualified conforme to the act of distinction made be David Wilkie, dean of gild of Edinburgh, and John Miln, burges there, at Hadingtoun the ninth day of October the said year, and ratified be the general convention of burrows holden at Hadingtoun in July $j^m vj^c$ fifty-six years, and no otherwayes, and nine tradsmen, out of which the magistrats and treasurer are to be chosen in manner specified in the said act of burrows and distinction respectively. And that at the leiting and electing of the magistrats there be tuenty merchant counsellers, whereof sixteen old counsellers and four new, which four merchand counsellers are to be chosen yearly be the provost, baillies, treasurer, and old merchant counsell alenerly, and eleven tradsmen, which are to consist of seven deacons, two old counsellers and two new, the baillie for the crafts being one, and he who was baillie for the crafts before the then present baillie to be another for a year after he comes off the bailliary and longer if the crafts shall be pleased to continue him, with other two to be chosen be them; of which eleven the two (by these two, viz., the present crafts baillie and he who last was crafts baillie immediatly before or otherwayes to be chosen be the crafts) are to be removed after leiting and electing the magistrats and treasurer, and the deacons of these trades whereof the crafts baillie and counseller are or shall be chosen also to be removed frae and off the counsell, sua that there shall be seven deacons, one baillie, and one counseller, for the crafts in the ordinar sederunt of the counsell of the said burgh, which with the sixteen merchant counsellers makes up in the haill twenty-five persons. In the said sederunt, and at leiting and electing, there be thirty-one persons qualified and elected in manner above written, and that four of the old merchand counsellers be put off after the electione yearly be the magistrats, theasurer, and new merchant counsellers for the time, and the two crafts counsellers to be removed in manner forsaid. *Sic subscribitur:* W. Glatoun, provost; Richard Chaplaine, baillie; Ja. Forrest, baillie; D. Kyll, baillie; David Wilson, treasurer; John Cockburn, J. Young, John Sleich, George Brown, Geo. Forrest, J. Aytoun, Geo.

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Cockburn, yor., G. Paterson, Robert Gray, Thomas Spotswood, Ro. Forrest, James Spotswood, Geo. Learmont, Geo. Wilson, A. Swintoun, James Thomson, James Edington, John Thomson, John Bower, Patrick Cockburn, Thomas Kyll, John Vallange, John Douglas, Robert Wallace, George Bathgate. Mr James Gray, notar-publick, subscribe at command of John Warrender and Wm. Kirkwood, who cannot write, as they affirmed, witnessing hereto my signe and subscription manual used and wont. Extracted forth of the counsell books of the said burgh, be me Patrick Sleich, notar-publick, common clerk of the said burgh, witnessing my signe and subscriptione manuall used and wont.

Sic subscribitur: P. SLEICH, *clerk.*

DYSART.

BURGH OF DYSART.

The true Sett and way and manner anent the election of the magistrats, treasurer and counsell, of the Burgh of Dysert.

In the first place, the counsell consists of two baillies, and ane treasurer, and of twenty one counsellers, consisting of maltmen, merchants, seamen and tradsmen, and each of the said counsell yearly leits tuo, and the whole counsell by votes chooseth one of the tuo to be upon the new counsell till the number be full.

Thereafter there is a day appointed for receiving of the new counsell and qualifying of them conforme to law, being one day or tuo before Michalmass or upon Michalmass yearly.

The said day, after qualifying and receiving the new counsell, the baillies makes their leit, which is six persons leited by each of them, which makes tuelve, out of which tuelve the baillies, treasurer and counsell, old and new, choseth six, and out of which six the tuo magistrats for the ensueing year are elected.

Thereafter, the treasurer leits tuo to be treasurer, one of which are elected by the baillies and counsell for the ensueing year.

Extracted by me, upon the first day of July j^{m} vij^{c} and ten years.

Sic subscribitur: WA. PITTILLO, *clerk.*

KIRKALDY.

BURGH OF KIRKALDY.

Sett of the Burgh of Kirkaldy of the way and manner how they elect and choice the magistrats and toun counsell, conforme to ane decreet arbitrall pronounced by the Earle of Rothes in July j^{m} vj^{c} sixty two years.

In the first, for the better government of the said burgh in all time coming, we decern and ordain that the toun counsell of the said burgh shall consist of twenty one persons, to witt, ten who are or have been seafairing men, eight who are or have been trafficking merchants, and three craftsmen, who, beside the haill

KIRKALDY.

deacons of crafts, shall vote in the yearly electione, which craftsmen are to be elected be the counsell. And out of eight persons promiscuously of seafareing men and merchants, of the said number of tuenty one persons, there shall be chosen the provost for the year to come, tuo baillies, dean of gild, and treasurer. And ordains the present counsell to elect and choise the haill tuenty one persons, and in all time thereafter the old counsell to choise the new; and thereafter the old counsell and new with the whole deacons of crafts for the time being to conveen yearly at their ordinar time of election, and leet, choose, and elect the said magistrats, baillies, dean of gild, counsell, and other officers of the burgh, who shall bear rule for the year to come; and if any craftsmen, exerciseing merchandize, for his good qualities shall be promotted to the office of magistracy, in that case he shall leave his craft and not occupy the same be himself nor his servants during the time of his office, and shall not return thereto without he obtain speciall licence of the provost, baillies, and counsell for that effect.

Item, ordains that there be a gild counsell presently elected within the said burgh, and that the said dean of gild be one that hath caryed the office of magistracy formerly, and his counsell to consist of six beside himself, and that the said dean of gild and his counsell be now and in all time comeing elected and chosen as the rest of the magistrats at the time and in manner above written, and that there be three of the number of craftsmen gild brethren, qualified to be so according to auditor in shiping hereafter exprest, decerns and ordains that any of the said number be elected and chosen to be ane of the said six of the gild counsell yearly in time coming.

Item, decerns and ordains that no manner of persone be chosen provost, baillies, dean of gild or treasurer of the said burgh (suppose they be burgesses and able therefore) without they have been ane year or tuo upon the counsell of before; and, for avoiding of factions, that none be upon the counsell above two years together except they be office bearers and so by virtue of their office on the counsell.

Item, that none be elected deacon of any craft except he hath been ane master of his craft tuo years at least, and that none of them be continued in their office of deaconship above tuo years together.

Extracted forth of the publick records of the said burgh by me.

Sic subscribitur: PA. CUNNINGHAME, *clerk.*

BURGH OF MONTROSE.

MONTROSE.

At Montrose, the twenty second day of June one thousand seven hundred and nine years.

The which day, the counsell, considering that by the thirty eight act of the last general convention of burrows, each royal burgh within this kingdom is appointed to send up their sett to the clerks of the burrows to be recorded in

MONTROSE.

manner and to the purpose mentioned in the said act, have therefore ordained, and in obedience to the said act hereby ordains John Spence their toun clerk, to certifie by extract under his hand to the clerk of the burrows that the sett of this burgh is as follows :—

The toun counsell consists of seventeen merchants and tuo tradesmen, including in the said number the provost, three baillies, the dean of gild, the treasurer, and the master of the hospitall. The annuall election is upon Wednesday immediatly before Michalmass, unless Michalmass fall upon Wednesday, and then the election is upon Michalmass day. The old counsell elects the new, with this restrictione that the provost, the three baillies, the dean of gild, the treasurer, and the master of the hospitall for the immediat preceeding year are continued *ex officijs* members of the counsell for the year immediatly following. The old and new counsell leit tuo of the new counsell, out of which they choise the provost, and then they leit six of the new counsell, out of which they choise the three baillies, and then the new counsell choises the dean of gild and his assessors, and then also, or at any time betwixt and Martinmass thereafter, they choise the treasurer, and betwixt and the first of January thereafter they elect the hospitall master. The provost cannot be continued longer then tuo years together, and the baillies cannot be longer continued then three years together in their respective offices. The dean of gild may be continued as long as the counsell thinks fit. The treasurer and hospitall master can only be continued for tuo years together.

Extracted forth of the counsell books of the said burgh by me.

Sic Subscribitur: JO. SPENCE, *clerk.*

CUPAR.

BURGH OF CUPAR.

Sett of the Burgh of Coupar with respect to the election of their magistrats.

The burgh of Coupar has for magistrats, ane provost and three baillies, dean of gild and treasurer, ane counsell consisting of thirteen gildbrethren and the eight deacons amongst whom there is ane convener. At every election of the provost, baillies and treasurer, the thirteen old counsell choise the like number, each naming their own counsellour, which are termed the new counsell, and both old and new counsell, with the conveener and seven deacons, choise the provost, three baillies, and toun treasurer, and of consent of counsell the magistrats cannot continue above two years successive.

As for the dean of gild, he is chosen by the whole gild brethren of the burgh and has a counsell of four called his assessors. The dean of gild continues but two years as above.

After the election, yearly, there is chosen, out of the old counsell, four persons called the adjoyned counsellours who are warned to all meetings of the counsell from election to election.

CUPAR.

This is the sett of the burgh of Coupar, as has been observed these fourty years bygone and upward.

Extracted forth of the records of the said burgh, as is attested by us, magistrats and clerk of the said burgh, under subscriband, at Cupar, the twelve day of June $j^{m}vij^{c}$ and ten years.

Sic subscribitur: William Greig, David Sibbald, Jo. Bayn, John Clark, J. Andersone, clerk.

BURGH OF ANSTRUTHER EASTER.

ANSTRUTHER EASTER.

The Sett of the Burgh of Anstruther Easter.

By the sett of the toun of Anstruther Easter the toun counsell consists of nineteen persons, viz., three baillies, the treasurer, and fifteen burgesses, being merchants and other tradsmen.

The election proceeds after this manner. About the beginning of September, the baillies call a counsell and appoint their election of baillies, treasurer, and counsell for the ensueing year to be about the midle of September, upon the fourteen or fifteen day thereof, and after the electione is appointed they cause the toun officer, three or four days before the prefixt day, make intimation thereof to the haill inhabitants by touck of drum, requiring all the habile burgesses to come and give their severall votes in the said election, it being the custome of the said toun ever since its erection in a royall burgh to elect their baillies and treasurer by the pole, and the haill burgesses that will qualifie in the terms of law to have a vote therein. In obedience to which intimation the haill burgesses conveen accordingly in the Tolbooth about nine aclock in the morning. But before they proceed to elect, the baillies and counsell meet in the councill house and nominat four new councillors, for whom they put off four of the old council; thereafter they ordain the haill burgesses, before they can have a vote, to qualifie themselves according to law, which being done the three baillies give in a leit of nine persons, whereof they themselves are always three, out of which number they are to choice the three baillies for the ensueing year; and the treasurer gives in a leit of three persons, whereof he himself is alwayes one, out of which number they are to choice their treasurer for said year; which leits being read over in presence of the councill and approven of by them the same is read publickly in audience of the haill burgesses that are to vote. This being done, the clerk is appointed to sitt within the councill house and mark the votes (there being alwayes one of the councill appointed to oversee his right marking) and accordingly first the baillies, then the councill, and thereafter the haill qualified burgesses one by one give their severall votes for the baillies and treasurer for the said ensewing year, and the persons chosen by plurality of votes (after publication of their names), together with the councill, immediatly conveen within the councill house and accept of their respective

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offices and give their oaths *de fideli administratione*, the same being administrat to the three baillies by the clerk and by them first to the treasurer and then to the fifteen counsellers, five after five; and thereafter, if they have no other publick business of the touns, they immediatly adjourn.

This manner of election hath alwayes been practised within the said burgh of Anstruther-Easter ever since the erection thereof in a royall burgh, as will appear by the records of councill thereof.

Extracted forth of the saids records, upon the seventeen day of June one thousand seven hundred and ten years, by me. *Sic subscribitur:* Jo. PATON, clerk.

DUMFRIES.

BURGH OF DUMFRIES.

The Sett and Constitution of the Burgh of Dumfries as to the election of their magistrats and councill.

1. The magistrats are a provost and three baillies.

2. The burgh has a dean, who is not a dean of gild, it not being a gild toun.

3. The burgh has a treasurer for uplifting their revenues, and the provost, baillies, dean, and treasurer, are alwayes merchants, and are elected yearly at or about Michalmass.

4. The toun councill (beside the magistrats) consists of fourteen merchants, viz., the dean, the treasurer, and twelve merchants, and of seven deacons of crafts, viz., the deacons of the smiths, wrights, weavers, taillors, shoemakers, glovers, and fleshers, of which deacons one is the deacon conveener of the trades, so that the magistrats and councill are in all twenty-five.

5. The merchant councillors are elected some days before Michalmass thus:—The magistrats and councill in office and being for the currant year, are *simul et semel* in use some short time before Michalmass day to appoint two severall days for the elections underwritten, viz., one for the election of the four new merchant councillers, and another posterior day for election of the magistrats, dean and treasurer, which is ordinarly upon Michalmass day, if ane lawfull day; and the councill haveing accordingly mett the first day and hour thereof appointed for electing the four new merchant councill, by plurality of votes, doe choose four new merchant councillers whom they order to be warned to compear on the day of election of the magistrats, dean, and treasurer, in order to qualifie themselves and accept their offices.

6. The new merchant councillers being so chosen, and the conveener, and deacons of the trades being chosen by their own incorporations (without any dependance upon the magistrats and counsell) thereafter the magistrats, dean and treasurer are elected thus: The day and time of day for the election of them being previously appointed by the magistrats and counsell, as said is, the magistrats and the old merchant councillors, with the seven new deacons of

DUMFRIES.

crafts doe meet, and then the four new merchant councillors and four tradsmen, commonly called the led votes, named by the deacons of the smiths, wrights, weavers, and taillors, or by the conveener instead of the deacon of the taillors, in case the conveener be not the deacon of one of these four crafts, are called, and the new merchant councillers and these of the deacons who were not deacons the preceeding year are sworn *de fideli administratione officij* as councillers. Thereafter the rolls being called, if there be any of the magistrats or old or new merchant councillers absent the provost names so many merchants to supply their places and vote for them, who being called and compearing, the new merchant councillers, these deacons who were not in that office the preceeding year, the four led votes, and voters for absent merchant councillers are qualified by taking the oaths required by law. Then are openly read severall acts of the toun councill whereby, primo, it is enacted that no man be provost longer then one year or two at furthest together, under the pain and penalty after specified, viz., if any man shall embrace or exerce the office of provostry the third year without intermission he shall be lyable in one thousand pounds Scots of penalty and be rendered uncapable of any publick trust within the burgh till he purge the said penalty, and whatsoever of the merchant counsell or tradsman shall vote any man to be provost the third year without intermission he shall be lyable in the sum of two hundred pounds Scots money forsaid of penalty and be rendered incapable of all publick trust till he purge the forsaid penalty; secundo, it is enacted that if any man who is ane innkeeper, vintiner, or seller of strong waters, brandy, ale, or bear, shall at any time be elected provost, he shall be obliged to give up his trade of keeping a publick change within fifteen days after he is elected provost, and that he shall forbear his said trade in all time coming during his being provost, under the pain of being deposed and payment making of ane thousand pounds if he shall contraveen the act; tertio, it is enacted that none of the relations after specified by consanguinity or affinity be upon the magistracy together at one and the same time or year, that is to say, father and son, father and son in law, brethren german, and brethren in law, shall not be provost and baillies together, under the pain of one thousand pounds Scots to be payed by each persone so related transgressing the said act, and if any counciller shall vote any of his said relations to be upon the magistracy together they shall be lyable in the sum of two hundred pounds money forsaid; quarto, it is enacted that noe baillie shall continue in his office as baillie, or be elected baillie longer then one year or two at most together, and that under the pain of five hundred pounds Scots to be payed by the acceptor *toties quoties*, and ane hundred pounds Scots by ilk voter; quinto, it is enacted that one man shall not be either dean or treasurer longer then one year, or two at furthest together, under the pains and penalties following, viz., two hundred merks for the acceptor, and one hundred pounds money forsaid for the voter contrary hereunto; and for the further corroboratione and strengthening the said acts, the same are appointed

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to be subscribed by all the magistrats and councillers, obliging themselves never to come in the contrare or endeavour the repealing thereof under the pain of one thousand pounds Scots to be payed by each magistrat, and two hundred pounds Scots for each counseller that shall endeavour the rescinding thereof; and for the more speedy and accurat execution of the penall statuts above written, it is declared not only to be in the power of the councill, but, failyieing of the counsellers, to be in the power of any man and considerable burden bearer within the burgh to call and persue for the forsaid penalties if any be incurred, before any judge competent, and for that effect the clerk is ordained to give forth extracts thereof to any magistrat, counciller, or freemen, who shall desire the same, upon their own expences. After reading of which acts, the magistrats and councillers signe the same yearly, for which end the same are transcribed immediately before the election in the councill book every year. Then the said electors (who are thirty-three in all and two third parts are merchants, and the third part are tradsmen) proceed to the election of the magistrats, dean, and treasurer, for the next year. And first to the election of the provost who is chosen thus : The electors, by plurality of votes, vote two of the magistrats or merchant councill to go out in the leits for the provost, and if the provost for the preceeding year has not been in office the last two years together without intermission he may be one of them, which two being removed, the electors vote whether of them shall be provost, and they being called in, their own votes are asked therein; then the clerk having counted who has the plurality of votes, makes ane act electing such a man to be provost as hath the plurality of votes forsaid; who is instantly (if he be present and accepts) taken sworn *de fideli administratione officij* and takes his place as provost. In the second place, the three baillies are elected thus : The electors, by plurality of votes of the magistrats and councill, vote six to go out in the leits for baillies, and these three baillies for the preceeding year that hath not been in office the last two years together without intermission may go out in the leits for the baillies, which six being removed the electors vote three of them to be baillies and they being called in their own votes are asked therein ; then the clerk having counted who hath the plurality of votes, makes ane act electing such three men to be baillies as have the plurality forsaid, who are instantly (if they be present and accept) sworn *de fideli administratione officij* and takes their places as baillies. In the third place, the dean is elected thus : The electors by plurality of votes vote two of the merchant councill to goe out in the leits for dean, and if the dean for the preceeding year has not been in that office the two last years together without intermission he may be one of them, which two being removed, the electors vote who of them shall be dean, and they being called in their own votes are asked therein ; then the clerk having counted who has the plurality of votes, makes ane act electing such a man to be dean, who is instantly (if he be present and accepts) taken sworn *de fideli administratione officij* and takes his place as dean. And, in the last place, the treasurer is chosen thus: The electors, by plurality of votes, vote two of the merchant councill to go out in the leits for treasurer, and if the treasurer for the preceeding year has not been in that office the two last years together without intermission he may be one of them, which two being removed the electors vote who of them shall be treasurer, and they being called in their own votes are asked therein; then the clerk having counted who has the plurality of votes, makes ane act electing such a man to be treasurer, who (if he be present and accepts) is instantly taken sworn *de fideli administratione officij* and takes his place as treasurer. If any man be chosen a magistrat, dean, or treasurer, and he be either absent, or, being present, refuse to accept the office, he must accept the said office within a fourthnight after his being elected, if present, and if absent within a fourthnight after his return home, or otherwise cannot be admitted to accept any time afterwards before the councill; but the persone refusant is fineable by the councill for his said refusall according to custome. There are four of the old merchant counsellers, yearly, after the election of the magistrats, dean, and treasurer, voted off by a councill called by the provost, consisting of the new magistrats, dean, and treasurer, the four new merchant councillers, the convener and deacons. DUMFRIES.

This is subscribed, by order of the councill and community of the said burgh, at Dumfries, the twenty eighth day of June j^m^ vij^c^ and nine years, by us. *Sic subscribitur:* JOHN CORSBIE, *provost;* ALEX. BARKLY, *baillie;* JOHN GILKERIST, *baillie.*

BURGH OF INVERNESS.

INVERNESS.

Sett of the Burgh of Inverness.

At Inverness, the eleventh day of September j^{m} vj^{c} and seventy six years, the decreet underwritten, conform to the ordinance therein contained, is insert and registrat in the burrow books of Inverness, whereof the tenor followes: At Inverness, the second day of September j^{m} vj^{c} and seventy six years, anent the act of the general convention of burrows holden at Edinburgh upon the seventh day of July j^{m} vj^{c} and seventy six years last by past, by the commissioners of burrows, mentioning that where the convention being truly informed of the great debates, divisions and confusions that are both within the councill and amongst the inhabitants of the toun of Inverness, in relatione to the election of magistrats and councillers of the said burgh, and considering that it is the desire of all parties interested in the saids debates that the present convention would take the same to their serious consideration, and to take such effectuall course therein as may preveen such dangers and inconveniences as may prove fatall to the said burgh if not timeously composed, and the convention considering that it ought to be their cheif care, as it is the principal designe of their institution, that the inhabitants of the royall burrows should live together in amity, peace, and ane good understanding amongst themselves, and when any division arises

INVERNESS. amongst any of the royall burrows it is their constant custome to appoint some of their number to settle and determine their differences, therefore, and for the particular care and respects they bear towards the burgh of Inverness, have appointed, likeas be thir presents appoint Sir Patrick Threapland, present provost of Perth, George Broun, present provost of Dundie, Gilbert Mollison, present baillie of Aberdeen, Alexander Miln, present provost of Linlithgow, Robert Renold, present provost of Montrose, David Donaldson, commissioner for the burgh of Brechin, Captain James Bennet, commissioner of Innerkeithing, Archibald Wilson, baillie of Queensferry, and Mr James Rocheid, generall clerk to the said burrows, together with James Ross, burges of Nairn, Sir Robert Dunbar, provost of Forras, Ronald Bayne, late baillie of Dinguall, and Alexander Graham, provost of Fortrose, or any seven of them, to meet at Inverness the last day of August next to come, with continuation of days, and to call before them all persons within the said burgh, whether magistrats, councillers or other inhabitants, and to hear what each partie has to aleadg either for or against the forme and modell of the present custome of their burgh in the election of their magistrats and councill, and after hearing of the samen, to determine, settle, and compose all their differences in order to their future elections, as far as possible can be, to the generall satisfaction of all parties concerned, with full power to them if need beis to establish and set ane plate forme and government of the said burgh, which shall be most agreeable to the laws of the kingdom, example of the best governed burrows of the nation, and to the particular constitution of the said burgh, wherein the saids commissioners are to proceed and determine without partiality and in singleness of heart, having nothing before their eyes but the true and solid interest of the commone well of the said burgh; and in regard the convention has been at so great pains for the good and peace of that burgh, and that the forsaids commissioners are to be at so great trouble and expences as to go to the said burgh of Inverness for their quiet and settlement, therefore the convention requires and obtests the haill forsaids persons who are any wayes concerned in the said debates and divisions to lay aside all partiality, animosities, humour, and their own privat interests in the said affair, and to give all due respect, defference, and submission to what shall be appointed and determined be our saids commissioners in the premisses, as if the samen had been enacted and ordained by this present convention, declaring that in case a quorum of our saids commissioners doe not meet at the said burgh before their election, according to their preceeding custome, then declaring that the present magistrats and councillers shall proceed to their election according to their preceeding custome, and ordains them to report their dilligence herein to the next general convention, and this to be ane head of the next missive, whereanent thir presents shall be ane sufficient warrand to the saids commissioners; as the said act of burrows of the date forsaid, under the signe and subscription manuall of Mr James Rochead, general clerk of the saids burrows, at more length bears.

Conform to the appointment of the said act, they are mett and convened at Inverness the severall commissioners of the burrows afternamed, upon the last day of August last by past, for takeing nottice of and rectifying the differences betwixt the saids magistrats of the said burgh and others, to witt, Sir Patrick Threapland, provost of Perth, George Broun, provost of Dundee, Gilbert Mollison, baillie of Aberdeen, Alexander Milne, provost of Linlithgow, Robert Ronald, provost of Montrose, David Donaldson, for the burgh of Brechin, Archibald Wilson, baillie of the Queensferry, Sir Robert Dunbar, provost of Forras, Ronald Bayne, late baillie of Dingwall, and Alexander Graham, provost of Fortrose, who being mett and conveened as said is they for the more and orderly procedure in the matter underwritten, have made and chosen Sir Patrick Threapland, provost of Perth, as preses in the said meeting, and the saids commissioners have nominat and chosen Mr Alexander Edward, writer in Edinburgh, as their clerk, to serve them in their meeting, and alse have called and conveened before them the forsaids present magistrats, gildrie, and tradesmen, and having perused the councill books, and read over the contract or bond, betwixt the present magistrats, gildrie and trades, and having heard the grievances and objections against one another, *hinc inde*, and they being well and ryply advised therewith, the saids commissioners, with one consent and assent, conforme to the ordinance and act of burrows of the date, tennor, and contents above written, doe for the peace and tranquility of the said burgh of Inverness, and for the amicable settling of all differences betwixt the present magistrats and gildrie and tradsmen in all time coming, and for the avoiding further strife, debate, or any ground of contention in all time hereafter, and conforme to that point of the said act impowering them to settle and compose all their differences in order to their future election as far as possible can be and to establish ane sett and plate-forme of government of the said burgh most agreeable to the laws of the kingdom, example of the best governed burrows of the nation and particular constitution of the said burgh, have decerned and ordained and hereby decerns and ordains that at the next election of the magistrats and councill of the burgh of Inverness, and yearly at their elections in all time coming, there shall be strictly keeped and observed, without the least change or alteratione, these rules and ordinances following, to wit:—*Primo*, That the number of the town councill of Inverness shall consist of twenty-one councillers and no more; whereof the then present to be ane part of the number, and which is conforme to the sett made be the town councill of Inverness in anno j^{m} vj^{c} and forty-eight years; and in respect that the great complaint of this place has been continueing the councill these many years bygone, therefore, and for rectifying of the samen, the saids commissioners has ordaned, for this next ensueing year only, that this present councill shall elect and choose their councillers for the next ensueing year, the persons following, viz^{t}, John Polson, John Barbour, John Stewart, William Thomsone, William Paterson, Donald M'Lean, John Cuthbert, and Alexander Clunes, who

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are to come in place of eight of the present councill to be put off and discharged be the present magistrats and councill, and after the eight old councillers are put out and the new eight put in, the councill to make choose of the present provost, baillies, dean of gild and treasurer, and in case of their not acceptance with power to them to make choose and leit other magistrats to continue for the next ensueing year. And ordains that in all time coming that the moddell sett and platforme shall be as follows, to witt, *Primo*, That they shall change five new councillers every year, and the five old councillers being removed, the councill shall, out of their own number, every year, make a choise of their magistrats. *Secundo*, The provosts of Inverness hereafter to be chosen to continue at the most in the office of provostrie but the space of three years together, and if he shall continue the whole three years, but interuption, he shall not be capable to be upon the leit of the provostrie for the fourth year, and this but prejudice to the magistrats and councill to choose him yearly as they think fit. Likeas, it is declared to be but prejudice to him to be chosen the fifth year, or at any time thereafter. And it is hereby declared that the provost of the burgh shall have two votes in councill which makes in the whole twenty-two. *Tertio*, The saids commissioners have decerned and ordaned that the baillies, dean of gild and treasurer, shall at most continue but two years in their office together, and if they shall continue so long without intermission in the saids offices, then in the third year they shall not be capable to be leited and chosen to officiat in these offices the third year thereafter. And it is hereby provided that the magistrats and councill has power to elect and choose them yearly as they think fitt, but prejudice also to them to be chosen the third year or any other time thereafter. And for the more clearing the former sett, it is hereby declared that the provost, baillies, dean of gild and treasurer shall continue councillers the next year after their bearing charges and offices of magistracie *ex officio*. And they have ordained that the persons to be chosen councillers or magistrats in time coming within this burgh shall be actuall residenters within the samen and liberties thereof and actuall traffecting merchants or maltmen alenerly. And for the more firme settling of the peace of this burgh, the saids commissioners have decerned and ordained, for the encouragement of trades and tradsmen within this burgh, that the severall trades following, providing that each one of the incorporations underwritten consist of seven freemen burgesses, viz., the hammermen, wrights, shoemakers, taillors, skinners, and weavers, shall be incorporat within themselves, with power to them for their further encouragement, *First*, That they shall yearly give in ane leit of three of their number to the magistrats and councill, who shall choose one of the three to be visitors or overseers of each one of their respective trades for the next ensueing year. *Secondly*, That one of the saids visitors or overseers being informed that any extraneous persons does incroach upon the priviledges of any of the respective trades by working within the freedom of this place, then and in that case they are to apply themselves ot

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the magistrats of the place, who are hereby obliged to fyne the persons delinquents as they shall think fit, and to discharge the saids persons from incroaching upon the priviledges of the respective crafts, and to cause them enact themselves under a penalty to do so no more in time coming. *Thirdly*, That the apprentices of any of the forsaids trades, being lawfully admitted apprentices, whose names are holden to be booked in the councill books, and who serve their apprenticeships faithfully and have discharges of their indentures, shall be holden and accepted of as burgesses of this burgh, they paying their ordinary dues, and are to be received as freemen within their respective trades. And it is hereby declared and decerned that it shall not be leisome to any master of the forsaids trades to take in ane prentice but one in three years time, except upon the death of or running away of another prentice. *Fourthly*, That in case any of the forsaids tradsmen shall transgress in their said calling, or in making any unsufficient work, or in keeping up of any persons work too long, or shall any otherwise transgress in their said calling, then and in that case, it shall be leisum and lawfull to the overseers or visitors of any of the respective trades, with the major part of any of their respective trades, after tryall made of the forsaid faults to fine the delinquints, the fine not exceeding ten shillings Scots; and which fines are yearly to be compted for to the magistrats and councill of the burgh by the visitors and overseers that they may see the same applyed to the maintinance of the poor or other pious uses of the respective incorporations from whom the fines are taken. *Fifthly*, That any freeman within the respective trades, or any of their children or apprentices, after expiring of their apprentiships, actually quiting their trades and take themselves to merchandising, then they shall be admitted freemen of the gildrie, they paying the ordinary dues of the gild-brethren, and shall be capable of being elected their councillers or magistrats of this burgh. And in respect that the great stents and impositions and way of imposing the samen has been ane of the great grievances of this place, therefore the saids commissioners has ordained and ordains that it shall not be lawfull to the magistrats or councill to stent or impose taxations upon the inhabitants of this place without their own consent, or at leist the most part thereof (except the stents imposed by publick authority;) and in case there be a necessitie for imposing any stents upon the inhabitants of this burgh, then and [in] that case the magistrats shall give nottice to the inhabitants what is the cause of the samen, by tuck of drum, and of the time, place and manner how the same is to be imposed; and for the more regular and equall way for imposing the samen, they ordain that the magistrats and councill of this burgh shall nominat and elect fifteen persons of best fame and repute within this place to be stent masters, who shall be holden to give their oaths in presence of the councill *de fideli*, whereof eleven of the fifteen shall be a quorum, who shall meet in the tolbuith of this place, and no persons to be suffered to be with them but one of the magistrats; and after the same is im-

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posed and collected, the magistrats and councill of this place shall be obliged to make it appear that the stent is bestowed and expended to the ends for which it was imposed. And because it is informed to the saids commissioners that the toun is in debt in the sum of eight thousand merks or thereby, and that there is no other way for paying the samen but by imposing stents upon the inhabitants of the place, they do seriously recomend to the inhabitants of the said burgh to concurr with the magistrats thereof for stenting the neighbours in order to the payment of the said debt of the toun, and to levie and raise the saids stents at such times as they may best do with their convenience. And that no vestage or memory be left of former differences, and for taking away all grounds of dissentions and divisions in the place, the saids commissioners finally ordain all actions and pursutes of law betwixt the present councill, gildrie, and trades, to be presently destroyed and cancelled in their presence. And in like manner, the saids commissioners wills and declares that the above written decreet in all points shall stand and continue inviolable unchanged in all time coming, certifieing the breakers thereof that the royall burrows will nottice the breakers of the samen and punish them accordingly and state themselves as parties against them. And the saids commissioners ordains that thir presents shall stand in force in all time coming for the rule and government of the said burgh of Inverness, and that extracts shall be given forth thereof be the præses, and that the above written decreet is to be insert and registrat in the toun court books of Inverness. In testimony whereof, the principall is subscribed be the said Sir Patrick Threapland, præses, and the said Mr Alexander Edward, clerk, in name and at the desire of the remanent commissioners above written. Extracted by authoritie and command be me. *Sic subscribitur:* P. THREAPLAND, *preses;* ALEXR. EDWARD, *clerk.* Registrat per me. *Sic subscribitur:* PA. CUTHBERT. Extracted be me. *Sic subscribitur:* CH. M'LEAN, *clerk.*

SUBMISSION, the Magistrats, Councill and Trades of the Burgh of Inverness, to a committee of the royall burrows; with the decreet arbitrall following thereon.

The blank on the other side hereof is to be filled up be the finall sentence and decreet arbitrall of John Rose of Braidley, provost of Nairn, William Ross of Easter Fearn, Kenneth M'Kenzie, junior baillie of Elgin, and William Tolmie, baillie of Fortrose, as a committee of the convention of royall burrows appointed by their act of the date the tuelve day of July last for the ends therein specified, and submitted to be Simon M'Kenzie and William M'Lean, goldsmiths in Inverness, James Porteous, taillor there, Robert Miller, coppersmith there, for themselves, and be James Wans, visitor of the glover trade of the said burgh, David Munro, visitor of the taillor trade thereof, James Dick, visitor of the shoemaker trade thereof, Mathew Moor, visitor of the square wright trade thereof, James Petrie and John M'Enteer, smiths there, and Andrew Denoon, pewtherer there, all of them for themselves and in name and behalf of the respective incorporations of the hammermen, glover, taillor, shoemaker, and square wright or coupar trades, and the other trades of the said burgh, submitters anent the differences arisen betwixt the magistrats of Inverness and the saids trades, conforme to the respective informations and representations to be given in be the saids magistrats and them *hinc inde*, with the instructions and documents thereof and answers to be given in *hinc inde* be both parties, which are declared to be as sufficient as if here insert, renuncing hereby any advocation and disclaiming and passing from all proces of declarator, reduction, intented or raised be them in the saids matters; likeas, the saids members of committee have accepted this present submission and decision of the premisses in and upon them, and faithfully promise to give their finall sentence and decreet therein betwixt and the last day of October instant; and whatever the said committee, agreeing together in one voice, shall decide, determine, and for their finall sentence and decreet arbitrall in the premisses give and pronounce betuixt and the day above mentioned, the forenamed persons, submitters, for themselves and in name and behalf foresaid, bind and oblige them and their successours in their respective incorporations above written, to stand to and abide thereat and performe and fulfill the same on their part, without any furder proces, appeal, or plea of law, under the penalty of six hundred pounds scots money, by and attour fulfilling of the said decreet; consenting to the registration hereof in the books of councill and session or others competent within this kingdom that letters of horning and all other executorials needfull may pass hereupon in forme as effeirs, and constituts (*blank*) their procurators. In witness whereof, the saids parties submitters have subscribed thir presents and blank on the other side hereof; likeas the said committee, in tocken of their acceptance, have subscribed thir presents (written be Mr Charles M'Lean, toun clerk of Inverness,) at Inverness, this thirteen day of October, j^{m} vij^{c} and nine years, before these witnesses Alexander M'Intosh of Termit, merchant in Inverness, George M'Gilligen, apothecary, burges of the said burgh, William Ross, messenger, there, and the said Mr Charles M'Lean and James Cuthbert, junior, merchant, there. *Sic subscribitur:* Simon M'Kenzie, Will. M'Leane, James Porteous, Matthew Moor, Ja. Wans, And. Denoon, James Dick, Robert Miller. Accepts, William Ross; accepts, Kenneth M'Kenzie, jun.; accepts, Jo. Rose; accepts, Wm. Tolme. De mandatis dicti Jacobi Petrie, Joannis M'Eanteer et Davidis Monro, scribere nescientium ut asseruunt, et ut mihi notum est, calamum tangentibus, ego Joannes Tayler, notarius publicus, cum connotario subscribenti subscribo. Jo. Tayler, N. P. De mandatis quibus supra, ut mihi notum est, scribere nescientium ut asseruere, calamum tangentibus, ego Magister Carolus M'Lean, conotarius publicus, requisitus subscribo. Ch. M'Lean, N. P. George M'Killigin, witnes; William Ross, witnes; James Cuthbert, witnes; Alex. M'Intosh, witnes.

Inverness.

The committee of the royall burrows within designed, to whose decision the magistrats and councillers of the burgh of Inverness, by a judiciall act, and the trades of the said burgh, by the within submission, have submitted the determination of the differences within written, having considered the representations, informations, and petitions given in *hinc inde*, with the answers thereto, and the documents and verifications thereof, the said committee, for settling the peace of this burgh and removing all grounds of difference and debate that has arisen upon the act of sett, give their finall sentence and decreet as followes, viz. :—*Primo.* The committee finds that any burges acting in the double capacity of tradsman and gildbrother at the same time is contrare to the fifth article of the act of sett and the custome and constitution of the burrows, and therefore ordains all burgesses acting in both capacities to betake themselves to the one or other alenerly in all time coming, and that they appear before the toun councill when required and make their electione which of the freedoms they shall continue in and enacte themselves accordingly, but prejudice of any tradsman to have the priviledge of renuncing his trade and being thereon admitted gildbrother and capable of being counceller and magistrat in the terms of the act of sett, and declares that the priviledge of meeting is only competent to burgesses gild brethren and that tradsmen are debarred therefrom by the said act of sett. *Secundo.* The said committee, finding that the hammermen have assumed several crafts as branches of their incorporation who were not in the place the time of the act of sett and that the number of each craft so assumed is not now sufficient to serve the burgh, therefore the committee ordains that the crafts afternamed shall be allowed at least in all time coming the number of persons following, viz., the blacksmiths seven, silversmiths tuo, coppersmiths three, peutherers three, armourers three, sadlers three, gunsmiths three, brassiers tuo, whiteironmen tuo; and when any of the saids crafts falls to be fewer, then the incorporation of hammermen shall be obliged to admitt any man compleit in his craft who shall offer himself to make up the said number upon payment of the ordinary dues to the burgh for his admission as burges and of a sum not exceeding eight pounds scots to the trade for his freedome. *Tertio.* The committee finds that the visitor of any trade cannot poynd or away take the work or worklooms of ane extraneous persone or unfreeman at his own hand, but must apply to a magistrat, who is obliged to stop such persons from working and to fine them and cause them enact in the terms of the act of sett. *Quarto.* The committee finds that each incorporation of the trades may meet separatly by themselves for regulating the sufficiency of work and exorbitancy of prices, receiving of freemen, and doing such other things as tend to the encouragement of the trade, and may imploy ane clerk and officer for these purposes, but finds that they are not warranded by the act of sett to have general meetings or general præses or overseer, nor to levie money upon any pretext whatsomever, except the sums accressing to them by entrie of apprentices and admission of freemen and the fines mentioned in the fourth article of the act of sett, which sums so accressing are to be applyed for the uses of the trade and compted for to the magistrats yearly in time coming. *Quinto.* The committee ordains that the priviledge granted be the act of sett to the weavers be allowed them, and when they amount to the number of seven burgesses that the magistrats do appoint them a visitor in the terms of the act of sett, allowing the magistrats, because of the present paucity of sufficient workmen of that craft, at any time within tuo years to bring into their incorporation such a number of the best accomplished workmen of that craft as may be sufficient to serve the place. *Sexto.* That the magistrats shall be obliged to admitt the sons of such as have been or shall be burgesses, residenters of this burgh, or have served or shall serve their prentiships with burgesses therein, unto the freedom of burgesships upon their applicatione and payment of the ordinary dues. *Septimo.* That the skinners in time coming doe not trafficque in forreign trade or other merchant ware, except skinns, furrs, wool, and such other things as are propper for their oun craft and manufactorie. *Octavo.* The committee ordains that no tradsman while continueing such shall be admitted or chosen a member of the councill or magistrat of this burgh. *Nono.* Ordains that when any jeweler, founder, or any other tradsman, applyes to be admitted, of whose craft there is none in the place for the time, the said tradsman shall be received on such terms as the magistrats shall see reasonable. *Decimo.* And for removing of differences and debates and settling peace and unanimity in all time comeing, the committee ordains the incorporation of hammermen to give in a leit or list of three of their number, qualified in the terms of this decreet, to the magistrats and councill the first councill day, of which number the councill shall chose one to be visitor of that incorporation for this year. And that the magistrats remitt and discharge the fines imposed by them on James Porteous, William M'Lean, Simon M'Kenzie and Walter Denoon, for their illegally away taking of silver spoons from George Leith, upon consigning the saids spoons in the hands of the magistrats to be delivered to the true ouners, and appoints the magistrats to return their burges tickets to the saids persons and to Robert Miller, coppersmith, upon making their election and enacting themselves in the terms of the first article of this decreet. And for the better encouragement of the skinners to observe this decreet, appoint the magistrats freely to remitt and discharge the fines imposed on some of their number by decreet dated the fourth of May one thousand six hundred and ninety-seven years and to deliver up to them the bond granted relative thereto. And in case any debate arise hereafter betwixt the magistrats and the trades and their constitution, act of sett, or any other article of this decreet, the committee ordains both parties in the first instance to apply to the convention of burrows or their commission siting for the time, under the penalty of tuo thousand pounds scots money. And, *lastly,* the committee humbly requests the next general convention of burrows to grant

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a ratification of this present sentence and decreet at their next general meeting. And for the more security the said committee doe ordain that the present decreet with the within submission be registrat in the books of councill and session or toun court books of Inverness or other books competent, that extracts thereof may be given to the parties concerned, and that letters and executorials needfull may pass hereon in forme as effeirs. In witnes whereof, the said committee and John Tayler, notar publick, their clerk, have subscribed thir presents (written be Thomas Frazer, writer in Inverness,) at Inverness, the fifteen day of October one thousand seven hundred and nine years, before these witnesses Mr John M'Intosh, advocat, Mr Charles M'Lean, toun clerk of Inverness, James Dunbar, younger, and Kenneth M'Kenzie, merchants, there, and the said Thomas Fraser, writer forsaid. Sic subscribitur: Kenneth M'Kenzie, junior, Elgin, William Ross for Tayn, Simon M'Kenzie, Will. M'Leane, James Porteous, Robert Miller, John Rose, Nairn, Mathew Moor, Jo. Wans, And. Denoon, James Dick, Ch. M'Lean, N.P., Wr. Tolme, Fortrose, John Taylor, clerk to the committee. Ch. M'Lean, witnes, Alexr. M'Intosh, witnes, Ja. Dunbar, witnes, John Macintosh, witnes, Kenneth Mackenzie, witnes, Tho. Fraser, witnes, James Cuthbert, witnes, George M'Gilligan, witnes, William Ross, witnes. De mandatis quibus infra, ego Joannis Tayler, notarius publicus, cum connotario subscribenti subscribo. Jo. Tayler, N.P.

BURNTISLAND.

BURGH OF BURNTISLAND.

Sett of the Burgh of Burntisland.

At Burntisland, the fourth day of July one thousand seven hundred and nine years. Whereas by ane act of the general convention of the royall burrows made in July last each royall burgh within this kingdom was appointed to send up their sett to the clerks of the burrows to be recorded in a particular book to be keeped for that very purpose, to the end any question about their respective setts may be quickly discust upon producing the said book, and that betuixt and the next convention; in obedience thereto, know that the sett of the said burgh of Burntisland consists of tuenty one persons, whereof fourteen are termed gild councillers (albeit they never had a gildrie) consisting of merchants, skippers, seamen, maltmen, and land labourers, out of which three are chosen yearly at Michalmass by the old and new councill to be baillies, and the other seven are trads councillers, being each of ilk trade, to witt, a smith, a wright, a baxter, a cordiner, a taylor, a flesher, and a weaver, and the three baillies being sua chosen out of the gild councill. The whole councill consists still of tuenty one persons, whereof three baillies and eighteen councillers, whereof eleven gild councillers and seven trades councillers. And if the provost be a nobleman he is supernumerary of the sett, being tuenty one; but if the provost be a burger he is

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inclusive of the said sett, and he is also chosen yearly at Michalmass one of the gild councill by the old and new councill before they proceed to the election of the baillies; and then there are only tuo baillies that officiats with him. But there has been no burger provost thir sixty or seventy years bygone.

That this is the sett of the said burgh of Burntisland is attested by me.

Sic subscribitur: Jo. SETON, clerk.

BURGH OF INNERKEITHING.

INNERKEITHING.

Sett of the Burgh of Innerkeithing.

The councill consists of fifteen persons at least, viz., the provost, tuo baillies, the dean of gild, and treasurer, and ten or more inhabitant burgesses. They proceed in their elections thus: Upon the tuenty ninth day of September, yearly, the magistrats and old councill meets in the forenoon within their tolbuith, and when these of the old councill who are desireous of ane ease have dimitted their offices they choose as many new councillers in their roome to keep up the number; and first they elect the provost, then leits five of the councill and chooses tuo out of them baillies for the ensueing year; next leits three and chooses the dean of gild; and last tuo and chooses the treasurer; all swearing the oaths *de fideli* and secrecie and taking and signing the publick oaths, &c., for the time ordered to be taken; and the burrow letter anent elections read immediately thereafter.

The above sett has been the ordinary of this burgh these fourty years bygone and upwards; as witnes our hands, the present bailies thereof, at Innerkeithing, the sixteen day of June one thousand seven hundred and nine years.

Sic subscribitur: WM. HENDERSON. JA. DUDGEON.

BURGH OF KINGHORN.

KINGHORN.

Sett of the Burgh of Kinghorn.

At Kinghorn, the thirty day of June one thousand seven hundred and ten years. The which day, convened in councill Robert Bruce and John Aitken, baillies, James Houggan, treasurer, William Birrell, Thomas Kirkaldie, David Valling, John Houggan, John High, Andrew Rattray, John Gourlay, John Douglas, councillers, and David Laverock, and Charles Boswall, deacons.

The magistrats, councill, and deacons of crafts, unanimously ratifies and approves of the following articles of a sett to be extracted and sent over to the clerk of the royall burrows with their commissioner.

1$^{\text{mo.}}$ *Imprimis.* The councill, consisting of merchants, saillers and brewars, to the number of seventeen, and five deacons, declaring that the saids two baillies, KINGHORN. treasurer, and councill, be constant residenters, traders, and traffequers within the said burgh.

2$^{do.}$ Item, out of the said number of seventeen the provost and two baillies are chosen yearly.

3$^{tio.}$ Item, the councill, with the deacons of crafts, meets upon Munday immediately before Michalmass in the tolbuith and there, by leiting and voting, chooses six new councillers in the roome of six that goes off yearly.

4$^{to.}$ Item, the baillies gives out a leit of two persons to be provost, who is chosen by plurality of votes of the haill councill and deacons of crafts.

5$^{to.}$ Item, the baillies also gives out a leit of two persons to be baillies, and the councill adds other tuo thereto out of the said number of seventeen which are chosen by plurality of votts of the haill old and new councellers and deacons of crafts.

6$^{to.}$ Item, upon Wednesday immediately after Michalmass the haill old and new councillers and deacons of crafts meets in the tolbuith, betwixt ten and twelve in the forenoon, and by plurality of votes elects and chooses the provost and two baillies, declaring alwayes that the said tuo baillies shall not continue longer than tuo years in the office of bailliarie.

7$^{mo.}$ Item, out of the haill councill and deacons of crafts the treasurer is chosen by a leit and plurality of votes at Martinmass yearly, who continue only two years in that statione. *Sic subscribitur :* RO. BRUCE. JOHN AITKEN.

Extracted out of the councill books of Kinghorn by me.

Sic subscribitur : GEO. IRELAND, clerk.

BRECHIN.

BURGH OF BRECHIN.

Sett of the Burgh of Brichen.

At Brichen, the second day of July j^{m} vij^{c} and nine years. The whilk day, being conveened within the tolbuith of the said burgh, in publick councill, Alexander Young, provost, David Young and James Spence, baillies, William Clark, dean of gild, Robert White, treasurer, John Doig, late provost, David Robertson, late baillie, John Knox, Mr Andrew Doig and William Guthrie, councillers, (there being absent Mr John Liddle, master of the hospitall, Alexander Jamisone and David Myles, councillers,) takeing to their consideration that by the thirty eight act of the last general convention of burrows each royall burgh is appointed to send up their sett to the clerks of the burrows, the councill forsaid, conveened as said is, having in obedience to the said act ordained and hereby ordains George Spence, toun clerk of Brichen, to send up the sett of the said burgh of Brichen as followes, viz.,—That the toun councill of the royal burgh of Brichen consists of thirteen members, BRECHIN.

whereof eleven merchants and free brethren of the gild of the said burgh, and two tradsmen, all residenters and inhabitants of the said burgh, seven of the forsaids thirteen members are alwayes a quorum of the said toun councill, the members of the toun councill forsaid do always, out of the forsaid number of eleven merchants, traffiquers and inhabitants of the said burgh, yearly elect and choose ane provost and tuo baillies, ane dean of gild, toun treasurer, and master of the hospitall. There is no fixed day for the annual election of this burgh of Brichen, but either the toun councill of the said burgh, sometime before Michalmass yearly, doe appoint and affix a day for the samen peremptorie, or otherwise the provost or præses of the toun councill for the time do call ane councill to meet at any time they think fitt, some few days more or less as they please, not exceeding five or six days and most frequently fewer days before Michalmass, in order to choise a new counsell and leit the magistrats, and then the old councill elects the new councill, and both old and new councillers leit tuo persons of the new councill in order to choose one of them provost, and a leit also of four persons of the new councill to the end tuo baillies may be chosen out of the same, and then the councill appoints ane day, frequently tuo or three and sometimes four or five days thereafter, for the election and head court, and cause make publick intimation thereof by tuck of drum through the whole burgh; and upon the day appointed for the election the new councill meets and in conjunction with the six deacons of crafts of the said burgh, out of the said leit of tuo for the provostrie, elect ane provost for the ensueing year; and then be vertue of ane contract betwixt the Bishop of Brichen, Patrick Maull of Panmure, and the magistrats and toun councill of Brichen, in anno one thousand six hundred and thirty . . . years, the Earle of Panmure, or any having right from him, being called, name a baillie out of the said leit of four persons so made by the toun councill, and to which baillie he is obliged to give and grant ane deputation of the offices of justiciary and constabulary within the said burgh of Brichen, and then the councill and deacons of crafts, out of the remaining three persons, choose another baillie, and thereafter the councill do choose ane dean of gild, toun treasurer, and master of the hospitall.

Extracted forth of the toun councill books of Brichen, by me, George Spence, toun clerk. *Sic subscribitur :* G. SPENCE.

BURGH OF IRVING.

IRVING

Sett of the Burgh of Irving.

Their councill consists of fifteen merchants, including the provost, tuo baillies, dean of gild, and treasurer, and tuo trades, making in all seventeen. They elect their magistrats, viz., the provost and tuo bailies, yearly, the first

IRVING.

Munday after Michalmass; and the Friday preceeding they leit the magistrats, and do put tuo on the leit to the old provost and four to the tuo old baillies, and the Friday preceeding that they elect their new councill, and on the Friday after the election of the magistrats they choose their dean of gild, treasurer, clerk, fiscall, officers, visitors of mercats, birlamen, &c., and are obliged yearly to change tuo merchants and tuo trades. And the provost and tuo baillies are not to continue above tuo years.

Which is attested by me this tuenty ninth of June one thousand seven hundred and ten years. *Sic subscribitur:* F. FRANCIS, *clerk.*

JEDBURGH.

BURGH OF JEDBURGH.

Sett of the Burgh of Jedburgh.

The way and manner of the annual election of the magistrats and council of the burgh of Jedburgh is as follows, viz.: The councill consists of tuenty five persons, to witt, a provost, four baillies, dean of gild, and treasurer, there being eight trades who chose their deacons yearly. Four of these deacons are alwayes upon the councill, the conveener being alwayes one of the saids four. The rest of the councill consists for the most part of merchants and other inhabitants of severall imployments, not being tradsmen, for no tradsman are allowed to be upon the magistracy or councill except the four councill deacons. The election is ordinarly upon the tuenty seventh, tuenty eighth and tuenty ninth days of September yearly. Some days before, to witt, upon the tuenty third and tuenty fourth of the said month of September, the provost conveens the councill for intaking of the treasurers accompts for the preceeding year and for electing and leeting of the new councill and deacons of crafts for the year to come, and which with the old councill, there being eleven chosen out of the tuo and tuenty for the new councill, and eight deacons of crafts, making up in the haill with the old councill the number of fourty four persons, which elects the provost, four baillies, dean of guild and treasurer, for the ensueing year. These being sua chosen and elected the eight deacons are removed from the councill table and being removed the old and new councill elects four of these to be upon the councill for the ensueing year. Thereafter the old and new councill is all removed, except the magistrats, dean of gild, and treasurer, who puts out four of the old councill and takes in four of the new councill in their roome. Thereafter the eight trads conveens and chooses one of the four councill deacons to be their conveener.

This is the true sett of the burgh of Jedburgh, extracted forth of the records thereof, upon the tuenty eight day of June one thousand seven hundred and nine years, be me, Thomas Cranstoun, notar publick, toun clerk of the said burgh.

Sic subscribitur: THO. CRANSTOUN.

BURGH OF KIRKCUDBRIGHT.

KIRKCUDBRIGHT.

Sett of the Burgh of Kirkudbright.

In the general convention of burrows holden at the burgh of Edinburgh, upon the fifth day of July j^{m} vij^{c} and seven years, by the commissioners therein conveened. The which day, anent the petition given in for the burgh of Kirkudbright, shewing that it had been the immemorial and constant sett and consuetude of the said burgh ever since its erection into a royall burgh to elect and chose the magistrats to officiat in the said burgh at the term of Michalmass yearly and the new councillers yearly at the said term, viz., eight days before the said term of Michalmass yearly. The magistrats and toun councill of the burgh, which consists of seventeen persons, viz., the provost, tuo baillies, the treasurer, and thirteen commone councillers, does elect and choose tuo or three new councillers, the number of tuo or three being still optionall to the saids magistrats and councill, and immediately the saids magistrats and old councill doe vote three of their own number of the councill in lew and in place of the three new councillers voted as aforsaid, which tuo or three new councillers voted to come upon the council are warned to attend the electione of the magistrats upon Michalmass day, where they are qualified and received before voting, and thereafter proceed to the electing of the provost, who is still to be a merchant or heretor within the burgh, and then to the election of the tuo bailies and treasurer, who are to be merchants or tradsmen as they shall happen to be voted; and at the said election the community of the burgh doe still name a persone to represent them who is to have a vote in the election of the magistrats only but not of the new councill, and that besides the ordinary toun councill of seventeen persons, but the forsaid representative for the community is no furder a member of the toun councill nor hes no vote but simply in the said electione. The forsaid tuo or three new councillers yearly assumed into the councill and the forsaid tuo or three old councillers put off the councill in lew of them, are indefinitly either merchants or tradsmen as the councill by plurality shall vote. And besides the forsaids magistrats, treasurer, and councill, there was never within the said burgh either dean or deacon of craft, neither had any tradsman liberty to conveen to consider any matters relating to their severall crafts without the authority and consent of the magistrats, nor were there any incorporat crafts in the said burgh or any composition or fine due by any tradsman to the fraternity of his trade; but that every man who was a burges of the burgh might exerce and follow the occupation he was capable of. Subscribed: Hugh Fulerton,—as the petition bears. Which being considered by the convention, together with overtures anent the sett of the said burgh, they ordered both the petition and overtures to be recorded, upon conditione that the intendant or overseer mentioned in the saids overtures shall not be continued in office

KIRKCUDBRIGHT.

above tuo years together, the tennor of which overtures followes:—Overtures by the commissioners of Dumfries, Wigtoun and New Galloway, for accomodating differences betuixt the magistrats and toun councill of Kirkudbright and trades of the said burgh. *Primo,* That the constitution and sett of the said burgh be unalterable and continue the same in all time coming as it has been in times by gone, except in so far as it may be innovat by any of the overtures following. *Secundo,* That at the annual electione of the magistrats at Michalmass, after the election of the provost, tuo baillies, and treasurer, conforme to the immemorial sett of the burgh, that the magistrats and councill doe immediatly thereafter, and at the same time, elect, nominat and choose ane intendant and overseer to the crafts and tradsmen within the burgh, who is to be ane burges freeman and mehanick and ane of the toun councill for the time and *ex officio* is to be a councillor during the time of his being intendant and overseer as said is. *Tertio,* That the said intendant and overseer by his office is to have the care and oversight in preserving the priviledge of the trades within the burgh and of receiving or refusing any mehanick or tradsman into the fraternity or priviledge of ane tradsman of this burgh, with and under these conditions and provisions, (*primo,*) that it shall not be leisum to the said intendant to receive any one freeman of the trades who is not admitted first ane burges by the magistrats and toun councill; (*secundo,*) that it shall not be leisum to him to exact or demand more for the priviledge of being admitted and incorporat as tradsman then the equall half of what composition or fine which the constitution or acts of toun council hath been or shall be payable for the priviledge of burgesship; and (*tertio,*) that it shall be without prejudice to the merchants and toun councill to admitt and receive ane persone of ilk craft or trade who shall be found to exceed any of the tradsman in Kirkudbright in skill and dexterity of the craft he professes and to endue him with the priviledge of burgesship and freedome amongst the trades, he alwayes being obliged to reside in the place and bear scott and lott with his neighbours and being subject to such acts and constitutions of trade, as shall be enacted in manner underwritten. *Quarto,* That the said intendant or overseer do oblige all the tradsman within the burgh to receive no apprentices but such as shall be bound to serve for three years and ane year for meat and fee, and that they be booked in the toun councill books conforme to use and wont, otherwise that they be incapable of the priviledge of burgesship by and through their service; and, to obviat any collusione betuixt ane master and apprentice, that, beside the masters discharg of the indentures, that the said intendant give in ane certificat to the toun councill that the said apprentice hath faithfully served his full time, otherwise the said apprentice is to enjoy no priviledge, otherwise then as ane stranger. *Quinto,* That the said intendant doe at the admission of any tradsman appoint him ane piece of work for the proof and essay of his knowledge and skill, and if the said work be found insufficient, albeit he be ane burges, yet that he may be rejected as ane incorporat member of the trads, for his ignorance. *Sexto.* That the said intendant and overseer shall have the power to conveen the trads and amerciat delinquents and offenders upon just complaints, and if the fault be such as deserves imprisonment that he crave the magistrats authority and concurance; and with power to regulat the prices of work, make acts and constitutions for the saids trads their better regulation and policie, the same being alwayes subject to the review, alteratione, [and] approbatione of the magistrats and toun councill, and to be of noe force or binding till the civil sanction and authority be interponed thereto. *Septimo.* The commissioners above named doe propose the above articles, which they find agreeable to the present constitutione of the burgh of Kirkcudbright, to be their sett in all time comeing, to be irrevocably observed; and recommends to the magistrats and councill to lay the samen before the general convention of the royall burrows for their ratification. Signed, at Kirkcudbright, the twenty-third day of October, one thousand seven hundred and six years. *Sic subscribitur:* Wm. Coupland, Alexr. Campbell, John Chalmers. And ordains the principall articles to be put in the charter chist for conservation *ad futuram rei memoriam.* The which day, the magistrats, toun councill and tradsmen within this burgh, doe hereby approve of the above overtures and ingages hereby to stand to and abide thereat, without innovation or alteration thereof, in all time coming; and, in testimony hereof, have subscribed the same, with their hands, as followes. *Sic subscribitur:* Hugh Fulerton, preses, Sa. Euart, baillie, James M'Quhan, baillie, Nicoll Donaldson, treasurer, James Gordon, counciller, James M'Colm, counciller, John Kirkpatrick, counciller, Adam Donaldson, counciller, John Thomson, counciller, David Lidderdale, counciller, David M'Clellan, counciller, Robert M'Euen, counciller, Roger Gordon, counciller, David Smart, counciller, John Hosten, John Halliday, counciller, William Darling, glover, John Crichton, smith, Thomas M'Cartney, glover, Robert M'Adam, saidler, John Herries, smith, Alexander Logan, smith, Charles Livingston, glover, John Fleeming, wright, John Staffing, carpenter, William Comblin, wright, William Thomson, wright, George M'Ghie, sclaiter, John Robson, shoemaker, Robert M'Gown, shoemaker, William M'Kinnay, shoemaker, John M'Kean, taillor, William Biglem, taillor, John Brown, taillor, Robert Brown, taillor, John Henderson, dyer, James Lintoun, weaver, John Bell, weaver, James Biglem, weaver, Andrew Lintoun, weaver, John Walker, dyer, Charles Murray, weaver, John Smith, merchant, Samuell Carmont, late baillie, Gavin Dunbar, late baillie, George Meek, late baillie, Samuel Martin, merchant. Extracted forth of the burrow court books of Kirkcudbright be me. *Sic subscribitur:* T. Gordon.

KIRKCUDBRIGHT.

Extracted forth of the records of the royall burrows be me, Mr George Home, toun clerk of Edinburgh and conjunct general clerk to the royall burrows.

Sic subscribitur: GEORGE HOME.

Wigtown.

BURGH OF WIGTOWN.

Sett of the Burgh of Wigtoun.

At Wigtoun, the twenty-fourth day of June j^{m}vij^{c} and nine years. The whilk day, the magistrats and councill of the said burgh of Wigtoun, takeing into their consideratione that whereas, by the thirty-eight act of the last general conventione of the royal burrows, each royall burgh within this kingdom were appointed to send up their sett to the clerks of the royal burrows, to be recorded in ane particular book to be keeped for that very purpose, to the end any question about their respective setts might be quickly discust upon producing of the said book, they therefore, in obedience to the said act, doe hereby testifie and declare that the constant sett of the said burgh has for these fifteen years bypast and upwards consisted of ane provost, two baillies, fifteen councillers, and ane clerk, the treasurer alwayes being one of the said fifteen councillers, and that the saids magistrats does not continue in their office of magistracy more than tuo years together, and that at every annual election they put off three of their old councill and brings on three new ones in their stead that the whole inhabitants may be the better acquaint with and understand the burghs affairs; and in case any of the saids magistrats or councill should depart this mortall life in the mean time, while they were in their office, that their places lay vaccant till Michalmass thereafter, which is the ordinary time of their electione yearly. And this the true sett of the said burgh of Wigtoun these haill years above written, without any alteratione; and ordains the clerk to transmitt the extract hereof to the saids clerks of burrows, to the effect the samen may be recorded by them as said is.

Extracted forth of the toun court books of Wigtoun, per me.

Sic subscribitur: Alexr. Campbell, Clerk.

Pittenweem.

BURGH OF PITTENWEEM.

Sett of the Royall Burgh of Pittenueem, as it has [been] and is punctually observed ever since their erection into a royalty.

Imprimis, The constitution is four baillies, a treasurer, and nineteen councillers. The old councill choses the new councill, the four old baillies and treasurer being alwayes of the number of the leit of baillies.

2do The leit of baillies consists of twelve, and the treasurers leit of three, all to be chosen upon any Tuesday after the first Tuesday of September, yearly.

3^{tio} The baillies and councill appoints as many auditors of the treasurers accompts as they think fit, and the auditors reports the same to the councill, to be approven or not as they see cause.

4to Every burges, at his admission, gives his oath *in communi forma.*

Extracted from the records by me. *Sic subscribitur:* Geo. Smith, clerk.

BURGH OF DUNFERMLINE.

Dunfermline.

Sett of the Burgh of Dumfermline.

In the general convention of the royal burrows, holden at the burgh of Dumfermline, the tenth day of July j^m vj^c and eighteen. The commissioners of burrows decerned and ordained that the forme of the election of the magistrats and councill of Dumfermline should in all time thereafter be in manner following, viz., that the haill magistrats and councill of the said burgh should consist of the number of sixteen persons, whereof nine merchants and seven craftsmen, of the which number of nine merchants there shall be chosen the provost, tuo baillies, dean of gild and treasurer, and the old councill in all time thereafter to chose the new, and thereafter the old and new councill to conveen yearly at their ordinary time of election and chose and elect the provost, baillies, and other officers of the burgh, who shall bear rule for the year to come.

That the sett and forme of electione of the magistrats and councill of Dumfermline is conforme to the decreet arbitrall of the commissioners of the royall burrows above narrated is attested by

Sic subscribitur: And. Symsone, Clerk.

BURGH OF ANSTRUTHER-WESTER.

Anstruther Wester.

Sett of the Burgh of Anstruther-wester.

The oldest records and registers I have seen giveing account of the way of electing magistrats and councillers in this burgh is in the year one thousand six hundred and fourty four, by which the old baillies and councillers first choses the new council and then both new councillers and also the old, or at least it seems them that are continued on the councill, choseth the baillies.

Untill the 1658 I doe not see any treasurer chosen nor any particular leit of bailliary or of treasurer recorded.

The number of baillies ordinarily three, the number of councill, consisting of baillies and councillers, variable. I see sometimes tuenty, tuenty tuo, twenty four, and sometimes ten, eleven, or nine.

The leit of baillies ordinarly nine, if not the same persons and number with the councill tho variable.

The leit for treasurer ordinarly three.

It seems there has been no settled clerk betuixt the 1658 and 1662, when upon the tuenty fourth of May 1662 (Andrew Simpson clerk of Anstruther-Easter being upon third of Aprile before chosen and admitted their clerk) he records ane act of councill wherein, upon consideratione that, through the want of ane certain and settled clerk several years then before, many and severall acts of council, admission of burgesses, sasins and infeftments, and other things done and granted by this burgh, then stood unrecorded, the councill orders him to

ANSTRUTHER WESTER.

record them, wherein and in which time is the first treasurer I find admitted in the administratione.

When also, by another act of councill, they appoint James Brown to meet at the parliament and to supplicat the commissioner to dispense with the not attendance of its representative because of their inability.

In the 1663 their election of magistrats then seems to admitt burgesses to vote, and doun to 1671 (at which time it seems Andrew Jamison their clerk dyed) in which time I find their number of councillers frequently very small, particularly 1668 I find only nine in all, baillies and councill, and them they then continue, by which it appears they have had but few inhabitants to chose on and so to have been advised to doe by Andrew Simpson their clerk, as was the manner in admitting burgesses to vote in Anstruther Easter, either of which I shall not determine. Betuixt 1671 and 1689 I find no records, thirteen years at least of that time this burgh having been out of magistracy.

Upon the fourth of September one thousand six hundred and eighty nine years the old baillies and councillers, burgesses and inhabitants, being conveened within the tolbuith of the said burgh, and considering that a long time, at least for the space of thirteen years, this burgh had been without magistracy, occasioned by the low condition it had been reduced to and the heavy burdens lying thereupon, and that the sad and desolate condition of this burgh having been represented to the general convention of the royal burrows of this kingdom, met at Edinburgh on the first Tuesday of July then last, they had been pleased to take the desolate case and condition of the said burgh into their consideratione and to ease the samen of four parts of five of the publick burdens imposed and to be imposed thereon, upon condition the inhabitants would meet and make ane new election of magistrats for ruleing and governing of the same, and ane new councill in time coming; the then late baillies, councill, burgesses and community, from thence were then encouraged to go into ane new election and by degrees got some [to] ventur upon their offices and accept, and then gives their oaths *de fideli administratione.*

By which I find they then make a leit of baillies out of them, consisting of nine persons, and three for treasurer.

And so ever since they go on yearly, the old councill chosing the new councill, and the new after acceptance and qualifying chosing the baillies out of them with the old and the treasurer also, and no burgesses seems after j^m vj^c and seventy one admitted to vote.

And in the present administration, the old baillies *ex officio* continue councilers alway the year after their going off from being baillies.

Their election seems all this time to have been in the month of September yearly, but no particular day thereof by another.

None are admitted and chosen councilers untill first they be burgesses.

Extracted by me

Sic subscribitur: JOHN CUNNINGHAM, Clerk.

BURGH OF SELKIRK.

SELKIRK.

Sett of the Burgh of Selkirk.

At Selkirk, the second day of July j^m seven hundred and nine years. The which day, the magistrats and toun councill of the burgh of Selkirk being met, and considering that by the tuenty ninth article of the missive they are appointed to send up their sett to the clerk of the burrows betuixt and the next convention, they doe hereby declare that the sett of the said burgh of Selkirk is as followes, viz. :—Tuo baillies, ane dean of gild and treasurer, all to be chosen at the Michalmass yearly, and that the burgh may elect a provost, but in respect they were brought into a great dale of debt by their former provost Hayning, they have alwayes forborn to chose a provost and holds themselves with the tuo baillies. Item, The council consists of the saids tuo baillies, dean of gild and treasurer, the old baillies, old dean of gild, and old treasurer, if they be men of substance within the burgh, five deacons and five colleagues, being one to each deacon, ten merchant councilers, and five trades councillers. They are not chosen yearly but continued, and as they decrease in their substance are turned out from being councillers and alwayes these of the greatest substance brought in. The councill choses a clerk to whom (if they please) they grant a commission during life if he be a man that they find takes notice of the burghs affairs, and whose commission cannot be taken from him, except upon some extraordinary malversation and fault legally tryed and made appear.

Extracted out of the councill book belonging to the said burgh by me,

AN. WAUCH, Clerk.

BURGH OF DUMBARTON.

DUMBARTON.

Sett of the Burgh of Dumbritan.

In anno one thousand tuo hundred and tuenty one the said burgh was by King Alexander the second erected in a burgh royal, with liberties, customes, and priviledges, which the burgh of Edinburgh and burgeses thereof enjoyed, as their originall chartour of the date forsaid bears.

The burgh consists of merchants and tradesmen. The trades are five, to witt, hammermen, tailors, cordiners, coupers, and weavers.

The commone councill is made up of the provost, tuo baillies, dean of gild, and treasurer, with ten other councillers, which are in all fifteen, whereof ten are merchants and five are tradsmen; the provost, tuo baillies, and dean of gild, being alwayes merchants.

The manner of election is as followes :—The old council doeth choise the new, the old provost, tuo baillies, dean of gild and treasurer, being by vertue of their offices, continued councillers for the year ensueing, and the other ten are elected one by one in the ordinary forme; which new council being sua chosen, DUMBARTON.

they with the haill deacons of trades proceed to the leiting and electing first the provost, then the eldest baillie, the youngest baillie, the dean of gild, the treasurer, the master of work, clerk, quarter-masters, and remanent officers of the burgh; and which new treasurer, if he be not a member of the new council, is supernumerarie of the fifteen.

The gild council consists of six members, beside the dean of gild, who are chosen yearly by himself and received by the toun councill, before whom they make faith *de fideli*, and whereof some are merchants and some are tradsmen.

Given under the hand of Andrew Graham, common clerk of the said burgh, at Dumbritan, the eighteen day of June j^{m} vij^{c} and nine years.

Sic subscribitur : AN. GRAHAM.

RENFREW.

BURGH OF RENFREW.

Sett of the burgh of Renfrew.

At Renfrew, the second day of June j^{m} vij^{c} and nine years, the which day, convened within the tolbooth of the said burgh, the provost, baillies, and counsell of the said burgh of Renfrew, and they considering that by the tuenty ninth article of the missive direct to them from the convention of burrows, appointing each royal burgh within this kingdom to send up their sett to the clerks of the burrows to be by them recorded in a particular book to be keeped for that very purpose, to the end any question about their setts may be quickly discussed, and that betuixt and the next conventione, they, in obedience thereto, declare the sett of the said burgh of Renfrew to have been and at present is as follows, vizt. :—The toun councill of the burgh of Renfrew consists of nineteen persons, including the three magistrats, which council meets yearly on Michalmass day, in the court hall of the burgh, betuixt the hours of ten and twelve, and if Michalmass day fall upon a Sabbath then on the Munday thereafter, for electing a new councill and new magistrats for the ensueing year, which is done after this manner: The former years magistrats are continued councillers for tuo years but no longer, except they be elected, then the former years provost causes each counciller retire to a separate room one by one, and in absence of each counciler, it is put to the vote whether the persone absent shall be continued for a counciller for the ensueing year or not, and for supplying the places of those that are not continued or who have died since the last election each councellor present may name a burges of the burgh, whose names being all marked by the clerk the council is made up to the number of nineteen with those that are found to have manyest votes; then the new council proceeds to elect a provost for the ensueing year, which is done by putting as many persons in the leit for being provost as the council thinks fitt, they being alwayes such persons as have been councellors for the tuo preceeding years, then the former years provost appoints tuo of the council to sit in the court hall with the clerk and see the votes marked, RENFREW.

the rest of the council withdrawing to a separate roome and are called one by one and their votes asked who shall be provost for the ensueing year, and after the two councellers that remained with the clerk have voted, then they number the votes and declare to the council who have the majority; then the new provost causes make up a new leit for the tuo baillies for the ensueing year, who are chosen after the same manner as the provost was, the council withdrawing and the new provost remaining with the clerk in the court hall and calling the council one by one and seeing their votes marked, and after all have voted declare to the council who have the manyest votes; and last of all the dean of gild and treasurer are chosen at the council board, by plurality of votes; and in case the treasurer be a persone that is not in the council he may meet with the council in all their meetings but has no liberty of voting. And the saids provost, bailies, and council have ordained this their sett to be read yearly by the commone clerk, upon Michalmass day, before they proceed to their election, and to extract their said sett under his hand and transmitt the same to the saids clerks of burrows conforme to the forsaid article, to be by them recorded to the effect above specified.

Extractum per me.

Sic subscribitur: WILL. COCHRANE, Clerk.

BURGH OF DUNBAR.

DUNBAR.

Sett of the Burgh of Dunbar.

At Dunbar, the seventh day of July j^{m} vij^{c} and twelve years, the which day, the magistrats and council of the said burgh being conveened, and having considered ane act of the royal burrows of this kingdom, appointing the magistrats and council of each burgh to send up with their respective commissioners to the general convention presently met at the city of Edinburgh the sett of their magistracy and council with the manner of their election, they found and declared, and hereby finds and declares, that the sett of the magistrats and council of this city consists of a provost, three baillies, ane treasurer, and fifteen councillers, whereof nine is declared to be a quorum, and that the manner of their election is thus:—

Primo.—The magistrats and council of the said city, the week before or after the term of Michalmass yearly, being conveened in their council, doe nominat and put upon a leit to be councillers the number of eight persons, out of which number they elect and choise four to be new councillers for that ensuing year, whom they cause call for and administrat the oath to them in the terms of the acts of parliament and then admit them, who accordingly take their seats. *Secundo.*—The old and new council proceed to the election of the magistrats, and nominats and puts upon the leit to be provost tuo persons, and to be baillie six, out of which number they elect and choise ane provost and three baillies, DUNBAR.

who are received, sworn, and admitted *ut supra* and then take their places. *Tertio.*—They put upon the leit to be treasurer tuo persons, with the old treasurer, out of which number they elect and choise one to be treasurer for the said ensueing year, who is also received, sworn, and admitted, and takes his place at the term of Martinmass thereafter. *Quarto.*—And lastly, the old and new magistrats and treasurers doe meet and conveen at any time betuixt and the next council day and discharg, by plurality of votes, such four persons of the old council (in whose place the four new councilers are chosen) as they think fitt, and doe give orders to their clerk of court to give to the officers a list of the old councilers continued and of the new chosen that they may warne accordingly when they are commanded by the magistrats. But of late years, since the decay of this city and trading therein, the magistrats and council thereof have not been in use to chose a provost, altho' by their constitution they have full power and warrand, so that the magistracy just now consists only of three baillies, ane treasurer, and fifteen councilers.

Extracted forth of the records of the said burgh by me,

Sic subscribitur : W. ANCRUM, Clerk.

LANARK.

BURGH OF LANARK.

Sett of the Burgh of Lanark.

We, William Inglis and Archibald Simpson, present baillies of the burgh of Lanark, John Cleliand, dean of gild thereof, James Moodie, present deacon conveener of the samen, John Simpson, treasurer, Mr John Young, William Steill, James Weir, younger, and John Young, merchants, John Russel, maltman, James Lockhart, wright, Bernard Bell, John and Thomas Patons, shoemakers, John Anderson, and James White, weavers, and James Scott, glover, all present councilers of the said burgh. Forasmuch as by the thirty-eight act of the general convention of the royal burrows, holden at Edinburgh anno j^{m}vij^{c} and eight, each royal burgh within this kingdom are appointed to send up their sett to the clerks of the burrows, to be recorded in a particular book to be keeped for that very purpose, to the end any question about their respective setts may be quickly discust upon production of the said book, as in the said act in itself at more length is contained. In obedience whereunto, wee, according to our ancient custome, as gathered from our ancient records, and according to our present use, make up our sett as followes, viz., That this our burgh of Lanark hath alwayes had in the best of times, and yet hath, seventeen councilers, all burgesses, induellers, and inhabitants within the said burgh, and persons affected to the protestant religion, without suspition in the contrare, and who bear part of the publick burdens and who can tine and wone in all the affaires of the burgh; of the which number of councilers, the two baillies, dean of gild, and deacon conveener, are alwayes four, and for ordinary the treasurer who if chosen not of the number of the said council is joyned to them; and that at least eight days before the election of the saids councilers yearly upon Michalmass day, being a lawfull day, and the same being unlawful, the next immediat lawful day; thereafter it is appointed by ane act of council that the election of the saids councilers and the baillies forth thereof shall be for the subsequent year upon the said Michalmass day, being lawful, and falling upon ane unlawful day upon the next immediat lawful day thereafter; and the said appointed day being come, the baillies and council of the said burgh doe conveen within the councilhouse thereof, at nine of the clock in the morning, being the usual hour of their ordinary meetings, and then, *sectis vocatis et curia legitime affirmata*, we proceed to ane new electione of councilers for the ensuing year, and the whole old council doe remove from the board to the far-end of our councilhouse, excepting our eldest baillie and deacon conveener for the time, who sit with the toun clerk for observing of the several votes right marked as they are given, and the said eldest baillie and deacon conveener giving first their votes the rest are called one by one, and their votes marked according as they are given by our toun clerk (who is sworn *de fideli*) at the sight of the giver of the vote and the said eldest baillie and deacon conveener present with the said toun clerk as said is; and after giving of the saids votes doe againe remove one by one as they were called, and the votes being finished the seventeen councilers of new chosen are called, accept of the said office, take their place accordingly, and give oath *de fideli*, and then proceed to the listing of four of our oun number, out whereof the two baillies for the ensueing year are to be chosen by ourselves and present deacons of crafts within the burgh, at twelve of the clock the said day, and the said list delivered to the deacon conveener for advising with the present deacons of crafts against the said hour; whereupon they dismiss and accordingly againe conveen at twelve of the clock with the saids present deacons of crafts, and do all remove from the board to the said far end of the council house, excepting tuo of the council not of the said list who are appointed to sit with the clerk for observing the votes right marked as they are given as said is, and the said tuo present, with the clerk, giving first their votes, the rest are called one by one, giving their vote, see it marked as given, and remove; and the saids votes being finished the tuo baillies chosen are called, accept of the said office, take their place accordingly, and give oath *de fideli*, and then proceed to the vote how many shall be in the leit for treasurer for the ensueing year, either of ourselves or of the other responsal burgesses within the said burgh, and the number being fixed, the saids baillies, new council and present deacons of crafts nominat the persones by votes, out whereof (the persons nominat by plurality of votes if present removing) the treasurer for the ensueing year is chosen, who being called, compears, accepts the said office and gives oath *de fideli*; and then our present clerk removing, the saids baillies and council so of new chosen proceed and by new election either continue their old clerk or ells chose and elect another for the ensueing year, who is called, compears, accepts of

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the said office, and gives oath *de fideli.* But prejudice alwayes to us to elect and choose a provost out of the said number of seventeen above mentioned as the saids baillies are elected (the said provost being alwayes a continuall residenter within our burgh or territories thereof and one that bears all portable charges with neighbour and other therein and who payeth part of our public burdens and who can tine and wone in all our affaires).

And in testimony of the verrity of this our sett we consent to the registratione hereof in the books of the royal burrows of this kingdom or any competent register therein, therein to remain for conservation, and constituts (*blank*) our procurators. In witness whereof (written be James Broun, servitor to Alexander Wilson, our present clerk,) we have subscribed these presents, at Lanark, the twenty-ninth day of June j^{m} vij^{c} and ten years, before these witnesses the said Alexander Wilson and James Broun. *Sic subscribitur :* William Inglis, Archibald Simpson, J. Cleland, John Simpson, James Lockhart, John Anderson, John Russel, Jo. Paton, Bernard Bell, John Young, John Paton, James Scott, James White, Ja. Weir, William Steill, John Young. Alexr. Wilson, witnes ; Ja. Broun, witnes.

ABERBROTHOCK.

BURGH OF ABERBROTHOCK.

Sett of the Burgh of Aberbrothock conforme to the ancient custome of the burgh and acts of the toun council thereof.

1°. The council of the said burgh must consist of at least seventeen and not above nineteen (the present magistrats included) whereof the conveener chosen by the deacons of trades *ex officio* is alwayes one, who at the election of magistrats has two votes, one as conveener and the other as counciller.

2°. None can be on the leit to be a baillie but he that exercised the office of a treasurer within the burgh, and none can be on the leit to be a provost but he that has been a baillie, and the baillies are only capable to be elected tuo years without intermission, and a provost three.

3°. The old council, previous to leiting, choses the new, and then the new council sua chosen leit tuo provosts and four baillies, which leit is sent yearly to the Earle of Panmure and his lordship choses a baillie, who is first baillie of the burgh.

4°. After the Earle of Panmure has chosen his baillie, and the leit returned, the clerk transmits copies of the leit to the respective incorporations, each of whom have a vote in the election of magistrats, and they impower one or tuo of their own number to go through each incorporation and take up the votes, and thereafter the council chosen as above meet, where those appointed by the incorporations appear and give in their votes, and the council elects a provost and another baillie out of the leit to serve for the ensueing year.

5°. In case of ane equality of votes anent the election of magistrats or others, the provost, as praeses, or in his absence the next magistrat present at the time, has the casting vote, besides his vote as a counciler, providing he take the first vote as such.

6°. All commissioners to parliament and convention of burrows are chosen by the toun councill.

Extracted forth of the records of the toun council of the said burgh, upon the tuenty sixth day of June j^{m} vij^{c} and ten years, by me,

Sic subscribitur: GEO. ADAM, *clerk.*

BURGH OF ELGIN.

Sett of the Burgh of Elgin.

In the general convention of royal burrows, holden at Edinburgh upon the eight day of July, one thousand seven hundred and six years, by the members therein conveened, the which day, anent the petition of the burgh of Elgin craving the convention would ratifie and approve of the sett made and pronounced by the commissioners of the burghs of Dundie, Aberdeen, Montrose, Inverness, Tain, Banf, Nairn, Forres, and Fortrose, by warrand of ane act of the last general convention to compose the differences of the said burgh, which being considered by this present convention they ratifie and approve of the said sett in the haill heads, clauses, and tennors thereof, and ordain the same to be keeped inviolably as the constant sett and rule of government for the said burgh in all time coming, and to be recorded after the subscriptions to the acts of this present convention, of which sett the tennor followes:—Att Elgin, the thirteen day September one thousand seven hundred and five years, the which day, the committee did make the following sett which they ordained to be a constant plateforme and standart thereanent for the future, to be strictly observed without the least alteration or change, viz., That the number of the toun council of Elgin shall consist of seventeen councilers (including the deacon conveener for the time) and tuo other deacons of trades, which tuo deacons are to be chosen by the council conforme to the trades their contract with the gildrie. Item, That Munday immediatly preceeding Michalmass yearly be the day of the electione of the new council for the ensueing year. Item, that Tuesday thereafter immediatly preceeding Michalmass as said is be the day of the election of the magistrats and other office bearers of the said burgh. Item, that there shall be put off yearly off the old council three of the gildrie and tuo of the trades, and in their place as many elected of the samen quality. Item, that out of the forsaid number of the council there shall be chosen ane provost, four baillies, dean of gild, and treasurer, and other office bearers, which provost shall not continue in office of provostrie above three years at once, but prejudice alwayes to change him yearly as the council shall think fit; and the said baillies, dean of gild, treasurer, and other office bearers shall not continue in their said office above tuo years at once, but prejudice to change them yearly as said is. Item, that the provost, baillies, dean of gild, and treasurer, shall *ex officijs* be continued on the council for the next year after they are put of their respective offices. Item, that the old council yearly chose the new council and that both old and new councils yearly chose the magistrats and other office bearers. Item, that no person be capable to be elected a magistrat, office bearer, or counciler, within the said burgh, except residenters and burgesses within the same, actual traders and traffiqueing merchants, bearing scott and lott and portable charges with neighbours therein. Item, that the councill shall yearly chose out of their number five assessors to the dean of gild to sit with him, whereof three with the dean of gild himself are to be a quorum. Item, that the toun council shall yearly chose fifteen persons extraneous from the council, whereof tuo of the trades, and nine to be a quorum, which fifteen persons so chosen shall give their oaths *de fideli* before the council and shall be stent masters for the ensueing year for proportioning, in presence of a baillie, all the stents to be imposed within the burgh that year. Item, that noe stent be imposed on the inhabitants of the burgh (except the publick cess due by law) without consent of ane head court. Item, that on the second Tuesday of September yearly the magistrats call ane head court, and there expose to the whole inhabitants the present condition and circumstances of the burgh and of the commone good thereof and of their oun management of the samen, and that the haill office bearers, books, and accompts lye on the council table yearly tuenty days preceeding the head court, for the satisfaction of all concerned; and the said committee willed and decerned that the above sett should stand and continue inviolable and unchangeable in all time coming for the rule and government of the said burgh of Elgin, and should commence and take effect at Michalmass one thousand seven hundred and six years and yearly and continually thereafter, certifying the breakers thereof that the royal burrows would notice and punish them accordingly and state themselves against them. The committee adjourned the said meeting till tomorrow, at which time they would consider the other grievances *hinc inde* under submission, and the præses did subscribe the said sederunt for and in name of the meeting. *Sic subscribitur:* Alexr. Leslie, P. Att Elgin, the fourteen day of September, one thousand seven hundred and five years. The forsaid haill committee present, *ut supra*, the said day, the committee considering that the above sett made for regulating the election of the magistracy and toun council of Elgin, in manner contained in their last sederunt, does not take effect till Michalmass one thousand seven hundred and six years, and that both parties submitters are desireous by their representations given in to the committee *hinc inde* whereto their submission is referred to have all their differences removed, therefore they, as judges arbitrators, and as having power by the said submission, representation and answers thereto, it is referred for preventing the factions and debates that may arise betuixt the said parties submitters anent the election of their magis-

ELGIN.

tracy and council for the said next ensweing year, did nominat ane council for the said burgh for the said year, as at length is contained in the decreet arbitrall signed by the said committee on the back of the said submissione, whose names are as followes: Thomas Donaldson and Thomas Calder, present baillies of Elgin, Mr William Sutherland and Robert Innes, late baillies thereof, William King, late provost of the said burgh, Thomas Russell, late treasurer of the said burgh, James Innes, elder, dean of gild thereof, Alexander Brodie, James Gordon, senior, James Fenton, William Mitchell and John Sinclair, merchants in the said burgh, William Gordon, present treasurer, and Kenneth M'Kenzie, appothecary, in the samen burgh, Alexander Catto, present conveener, John Walker, deacon of the hammermen, and William Innes, deacon to the shoemakers. The committee ordained the submission and decreet arbitral to be given to the toun clerk of Elgin and by him to be registrat in the toun court books that all persons upon payment may have access thereto and get extracts thereof. The committee also appointed ane extract of the haill sederunt of the said meeting to be signed by the præses and clerk and given to the toun of Elgin, which they ordained to be insert and recorded in their council books, as also appointed the clerk to extract the said haill sederunt and give each of the said committee ane extract, and likewise appointed the præses to send to the next general convention of burrows another extract signed by him and the clerk as the report from the said meeting; and the said haill committee did subscribe the said sederunt. *Sic subscribitur:* Alex. Leslie, P., W. Crookshanks, senior, Ro. Turnbull, Hugh Ross, Malcome Ross, J. Brodie, Hugh Baillie, W. Home. Extracted, by warrand of the said committee, by, *Sic subscribitur:* Alex. Leslie, P., Pat. Leslie, clerk. Extracted forth of the records of the royal burrows by Mr Adam Watt, toun clerk of Edinburgh, and conjunct general clerk to the royal burrows.

This extract is taken from the council books of Elgin, by me.

Sic subscribitur: JAMES ANDERSON, Clerk.

PEEBLES.

BURGH OF PEEBLES.

Sett of the burgh of Peebles.

The magistracy consists of a provost, tuo baillies, a dean of gild, a treasurer, and eleven councilers, making in all seventeen.

The election is yearly on the first Munday after Michalmass and proceeds after this manner:—The week before the election the whole burgesses and inhabitants are cited to a head court, to be holden the Munday following, and the court being set the roll is called three times, and thereafter the magistrats ask if any of them have any grievances or ground of complaint against any of the magistrats and council, and if any be the same is fully heard and discust. And thereafter the election proceeds thus: the old magistrats and council elect

PEEBLES.

the new council of seventeen persons, out of which there is a leit of three persons for provost, three for eldest, three for youngest baillie, three for dean of gild, and three for treasurer, of which leits there is one chosen for each of the above offices, and if it have happened that any counceller or magistrat have deceast before Michalmass his roome is first of all supplyed by a new counceller, elected to make the number full.

There being but one deacon of a craft in the burgh, the magistrats, out of a leit of six given in by the trade, returns three, of whom the incorporatione chose one who sits as one of the toun council.

The clerks office being elective is chosen yearly, after the magistrats and council.

Sic subscribitur : JOHN FRIER, Baillie.

CRAILL.

BURGH OF CRAILL.

Sett of the burgh of Craill.

At the burgh of Craill, the ninth day of June j^{m} vij and eleven years. Sederunt, John Bethun, Thomas Mercer and George Drummond, baillies, John Brydie, treasurer, John Paterson, Thomas Young, George Robertson, John Corfar, John Tarvit, David Horsburgh, James Dron and James Cunningham, councillers. The samen day, the saids baillies and council, takeing to their consideration that heretofore there hath been no formal sett of the constitution of this burgh, and finding it just and reasonable that in all time hereafter the sett and constitution underwritten shall be punctually observed, viz.,—

The toun council of this burgh to consist of three baillies, one treasurer, and seventeen councillers, whereof six tradsmen, the conveener included, making in haill tuenty one, and that at every election of the magistracy there shall be three councilers changed, tuo merchants and one crafts man; and on the Munday preceeding Michalmass next, ilk year, the saids baillies, treasurer and councillors, shall chose two merchants and one crafts-man, making in haill tuenty-four, and thir persons to be called a new council, and this new council shall proceed to the chosing of the leits to the baillies and treasurer; and upon the Wednesday immediately preceeding Michalmass, yearly, there shall conveen the saids tuenty four persons of new and old council, and with them the deacons of crafts which are not on the council, extending to seven persons, viz., hammermen, squaremen, weavers, taillors, cordiners, coupars and baxters, the haill persons so conveening extending to thirty one, whereof seventeen merchants and fourteen tradesmen, whilk persons shall begin at the leit of the baillies and give their votes to such as they think meet, for the good of the toun, according to their knowledge, but fide or favour; and so to proceed to the leit of the treasurer in manner above written. The saids baillies, treasurer and council, elected as said is, makeing in haill tuenty one persons, they only and no others shall have the full government and administration of the commone good of this burgh in all things, as the baillies, treasurer and council thereof or of any other burgh had before or may hereafter have, by the laws and custome of this kingdom or by priviledges granted to this burgh by our Soverainge Lady and her noble progenitors. CRAILL.

The whole burgesses within this burgh being cited by publick intimation with touk of drum, and the burges roll called, the whole burgesses who compeared gave their unanimous consent to the above written sett, and therefor the saids baillies and council statut and ordained and statut and ordains that the said sett and constitution shall be punctually observed in all time hereafter.

Extractum per me. Sic subscribitur: GEO. DISCHINGTOUNE, Clerk.

BURGH OF TAIN.

TAIN.

Report the commissioners of burrows anent the sett of the Burgh of Taine.

At Taine, the eighteen day of August one thousand seven hundred and eight years. The which day, in obedience to ane act of the general convention of burrows, holden in July last, directed to the burghs of Aberdeen, Inverness, Elgin, Banff, Nairn, Forres, Dingwall, Dornock, and Fortrose, or any five of them to be a quorum, to meet at this burgh this present day for makeing inquirie into the ancient constitution, use and wont of the electione of magistrats and toun council of the said burgh of Taine for several years past, and to call for the books and records of the said toun to that effect, and to endeavour as much as in them lyes to creat a good understanding amongst the inhabitants of the said burgh, to the end they may live in amity and peace, and to report their diligence to the next general convention, as the said act and commission of the date the thirteen day of July last, containing several other heads as in itself more fully bears; conforme whereunto, and in obedience thereof, compeared Alexander Duff of Drummoor, provost of Inverness, who was one of the members of the said last convention, as commissioner for the said burgh of Inverness, to this present meeting, as also compeared Kenneth M'Kenzie, younger, baillie of Elgin, as commissioner for the said burgh and produced his commission from the magistrats and toun council thereof to the effect forsaid; likeas compeared Jonathan Dunbar of Tilliglenns, one of the present baillies of Forres, and produced his commissione to the effect above specified; also compeared Daniel Dingwall, one of the present baillies of Dingwall and produced his commission to the effect above rehearsed; which three commissions are of date the sixteen day of August one thousand seven hundred and eight years instant; and likewise compeared William Tolme, dean of gild of Fortrose and one of the members of the last general convention, as commissioner for the said burgh of Fortrose to the effect above written; with power to the saids commissioners to chose their oun præses and clerk, and to that end have chosen the said Alexander Duff of Drummoore as præses to their said meeting and Charles Manson, clerk of Tain, as their

TAIN.

clerk; and we having considered the council books of the said burgh of Tain far above fourty years backward, wee find (notwithstanding some of their books produced be defective in several particulars) yet that the number of their council, including provost, baillies, dean of gild and treasurer, did not exceed fifteen, and some years thirteen, till Michalmass one thousand seven hundred and six years, at which time the laird of Balnagowin was made provost, their number was augmented to seventeen, which is tuo more than their ordinar number and old constitutione; and at Michalmass one thousand seven hundred and seven, having met upon the tuenty ninth day of September, they continued the seventeen of the former years electione, and upon the ninth day of October thereafter, they added six more to their council, viz., William lord Ross, William lord Strathnever, John lord M'Leod, William Ross, and John Mansone, merchants, and Charles Ross, wig maker in Tain, as new councilers; and on the fourth day of June last, one thousand seven hundred and eight years instant, the laird of Balnagowine, provost, having conveened a quorum of the council of the said burgh, did motione therein that in respect and by the deceass of John Ross, late provost, and Alexander Ross, baillie, being on death bed, and the honourable William Ross is living at such a distance that he could not attend the said council, therefore craved that the council should nominat other three councilers to officiat, and accordingly they did proceed and elected William Ross of Easterfern, William Ross of Aldie, and Thomas Ross, junior, merchant in Tain, to exerce in that statione as councilers, which with the former number makes tuenty six councilers, including the magistrats; it is unanimously the opinione of us the members of the committee that the electione at Michalmass one thousand seven hundred and six, and at Michalmass one thousand seven hundred and seven, and the addition of councilers the ninth of October one thousand seven hundred and seven, and the fourth of June one thousand seven hundred and eight, are palpable encroachments upon the constitution of the said burgh of Tain and contrare to the setts of other well governed burghs, and for remeed thereof recommend to the magistrats and council of Tain in time coming that they do not exceed the number of fifteen councilers, including the provost, baillies, dean of gild, and treasurer, and that they be all men qualified conforme to the acts and constitutione of burrows, viz., that they be merchants, traffiquers, actual residenters, tradsmen, inhabitants, or such persons as can gain or lose in the concerns of the burgh, and that for hereafter their provost not to continue above three years, being yearly chosen be the toun council, and that their baillies, dean of gild, and treasurer, continue not above tuo years, being yearly chosen as said is, and that they turn off yearly at Michalmass four of their old council, and in place of them to chose four new councilers, and the new council so chosen to elect the magistrats out of the said number of fifteen. And this we give as our report in obedience to the said act and commission, and we publicly intimate the same to the magistrates, council and inhabitants of the said burgh of Tain.

TAIN.

And in testimony whereof we and our said clerk have subscribed this present report, day, place, and year of God above written. *Sic subscribitur :* Al. Duff, for Inverness ; Kenneth M'Kenzie, junr., for Elgin; Jonathan Dunbar, for Forres; Dan. Dingwall, for Dingwall ; Wi. Tolme, Fortrose ; Cha. Manson, clerk to the sederunt.

Sett of the Burgh of Tain.

Ane council of the burgh of Tain, holden the tuenty-ninth day of September j^{m} vij^{c} and eight years, be the laird of Balingoun, provost ; Robert and Malcome Rosses, baillies ; Alexander Ross, dean of gild ; Andrew M'Culloch, treasurer ; Thomas Ross, late dean of gild ; David Ross, late treasurer ; William Ross, of Easterfern, David Ross, of Inverchasley, William Ross, of Aldie, Andrew Ross, of Pitogartie, Charles Ross, Alexander Mansone, Thomas Ross, junior, William Ross, merchant. The whilk day, the magistrats and council, considering the advice of the committee sent to this burgh from the last convention of the royal burrows, and for preventing of debate in all time comeing anent the election of magistrats and councilers within this burgh, they enact and ordain that this present council shall now, on the tuenty-ninth of September instant, first elect the number of fifteen persons qualified conforme to acts and constitutions of the burrows, and the said council being sua chosen shall qualifie themselves according to law, and thereafter shall chose out of their own number a provost, tuo baillies, a dean of gild, and a treasurer, who shall continue their respective stations conforme to the custome and constitutione of this burgh till Michalmass next one thousand seven hundred and nine years ; and then the said council shall put off four of their number and elect four new councilers qualified as above in their place to make the number of fifteen, and the said fifteen shall chose the provost, tuo baillies, dean of gild and treasurer, for the next year, and sua successive in all time comeing. And enacts that no provost shall continue longer than three years, and the baillies, dean of gild and treasurer, shall continue no longer then tuo years, albeit they be chosen yearly for a longer space, and that each magistrat at his admission shall enact himself not to continue for a longer space or time, and shall observe the above sett under the penalty of five hundred merks, and the said space of magistrats continuance to be counted and commenced from the date of thir presents. Which act above written is approven of *nemine contradicente.* *Sic subscribitur :* David Ross, of Balingowan, provost, Malcome Ross, baillie, Robert Ross, baillie, Alexander Manson, Tho. Ross, William Ross, Thomas Ross, William Ross, Andrew Ross, David Ross, A. Tulloch, T. Ross, C. Ross, Wm. Ross, Al. Ross.

Extracted forth of the council records of the said burgh of Tain, be me.

Sic subscribitur : CHA. MANSONE, Clerk.

CULROSS.

BURGH OF CULROSS.

Sett of the Burgh of Culross.

At Culross, the first day of September one thousand six hundred and fifty-eight years, the whilk day the commissioners of burrows afternamed, to witt, David Wilkie, dean of gild of Edinburgh, Thomas Kincaid, chirurgeon, burges there, Mr Thomas Paterson, late dean of gild of Perth, Duncan Nairn, dean of gild of Stirling, Andrew Glen, provost of Linlithgow, David Seton, late baillie of Burntisland, and William Walker, provost of Dumfermling; in obedience to the act of burrows made in the general convention at Edinburgh in July last, impowering the saids commissioners to conveen at the said burgh of Culross for settling of the number and quality of their toun council and for the well of the merchant trade of the said burgh, conforme to the order contained in their electione, that the magistrats and council of the said burgh at their next electione elect ane dean of gild in the said burgh, as is at more length contained in the said act of burrows, the saids commissioners after mature deliberatione upon true information of the condition of the said burgh, and of the number and quality of the burgesses and inhabitants of the said burgh, have thought fit that the toun council (the magistrats being included) shall consist of the number of nineteen persons in all time comeing, to witt, twelve merchants, whereof there is alwayes to be six who are or have been actuall trafficking merchants, and the other six to consist of seafaring men and inland traders, as maltmen and wine vintners, and such as are not under the corporatione of ane deacon, being alwayes burgesses and inhabitants within the burgh bearing all portable charges with their neighbours, and the craftsmen to consist of seven, which makes up the full number of nineteen, of which craftsmen there be five of them deacons of crafts for the time, and tuo councilers; all which seven are to be elected and chosen councilers yearly by the toun council. The whole magistrats and treasurer are to be chosen yearly out of the number of the foresaid tuelve merchants, excepting one baillie to be chosen yearly out of the foresaid seven crafts councilers, provided he be not for that year both baillie and deacon, and the whole seven deacons to have ane vote at the yearly electione of the magistrats; and the moderator of the toun council for the time to have tuo votes at the yearly electione if need beis; and the saids commissioners decerns and ordains that the haill premisses be keeped inviolably as ane constant rule for the election of the magistrats and council in all time comeing; and ordains this act and ordinance to be insert and registrat in the toun council books of Culross; and as to the establishing of the gildrie, the persons commissioners doe earnestly recommend to the magistrats and toun council at their next electione to elect and chose ane dean of gild and his council, conforme to the act of the burrows foresaid, and the dean of gild to be chosen out of the number of the foresaid tuelve merchants, and his

Culross.

council to consist of four gild-brethren with the foresaid dean of gild; as also the saids commissioners considering the great interest of the Earle of Kincardin his family in this place, and for the more unanimous and peaceable performance and on carying of the premisses, doe hereby appoint the commissioners of Edinburgh, Burntisland, Linlithgow, or any tuo or more of them, to deal with and informe Alexander Bruce, brother german to the said noble earle, of the burrows their ordinance, that he may be instrumental for promoting and advancing of the the same. *Sic subscribitur:* Da. Wilkie, Tho. Kincaid, Duncan Nairn, Mr John Paterson, Andrew Glen, D. Seton, Will. Walker.

Extractum per me.

Sic subscribitur: J. Meason, Clerk.

BURGH OF BANFF.

Banff.

Sett of the Burgh of Banff.

At Banff, the tuenty of June j^{m} vij^{c} and nine years. Sederunt of ane head court: John Mark, provost of Banff, James Clark and John Andersone, baillies of the said burgh, John Ogilvie, dean of gild, William Thomson, treasurer, Thomas Wallace, deacon conveener, John Murray, James Gray, George Stewart, George Garden, Robert Philp, Thomas Cook, Mark Maver, councellors of the said burgh. The said day, in ane head court of the said burgh, intimat be tuck of drum through the haill burgh, whereby the haill inhabitants, burgesses and heretors thereof, were strictly commanded to attend the said court within the tolbooth thereof this day and place to the effect aftermentioned, and the saids haill inhabitants, burgesses and heretors of the said burgh being frequently met conforme to the said appointment, and takeing to their consideratione the tuenty-ninth paragraph of the missive direct to the magistrats of the burgh of Banff, and signed be Adam Watt, toun clerk of Edinburgh and conjunct clerk of the royal burrows, in name of the right honourable the lord provost, baillies, and council of the burgh of Edinburgh, bearing that by the thirtie act of the last general convention each royal burgh within this kingdom was appointed to send up their sett to the clerks of the burrows to be recorded in ane particular book to be keeped for that very purpose, to the end any question about their respective setts may be quickly discust upon producing the said book, and that betuixt and the next conventione, certifying such as shall failzie therein they should be the next general conventione fined in the sum of tuo hundred pounds Scots money; and sicklike that the sett of the burgh as it now stands by ane act of the said burgh, bearing date the seventh day of October j^{m} vij^{c} and four years, is so burdensome and heavie on the burgh, that the same cannot be supported be reasone of the paucity and scarcity of men to this burgh pertaining, able capable to cary charge therein, and admitt to be so changed and elected as in the said act required, being that it appoints the haill council to be changed, except old four

BANFF.

of the last years council every year, and the haill magistracy and office bearers sicklike every year, which the court represents as ane untollerable grievance not able to be born, and therefore alters and rescinds the said act of sett of electione of the date foresaid in so far alenerly as is contradictory to the sett underwritten, appointed to be the only rule in all time coming for electing the council and office bearers of the burgh of Banf yearly in manner following, to witt:—The old council of the year preceeding shall previous to the term of Michalmass meet within the council house yearly on the days and daiets formerly appointed by acts of council for chosing of the commone council and magistrats; and that the number shall not exceed seventeen councilers yearly (in which number shall be included the deacon conveener and his assessor to be chosen as formerly) and there make choise of eight councilers of the preceeding years council to be councilers for that succeeding year, and then make choise of eight new councilers, which with the deacon conveener to be chosen be the trades makes up the number forsaid, out of which the office bearers of burgh such as provost, baillies, dean of gild, and treasurer, are appointed yearly to be chosen, and then the haill council of the preceding year, with the eight to be chosen for the subsequent year and the deacon conveener chosen that year, shall yearly chose the provost that year, whose electione shall not continue but to Michalmass next year, but then may be chosen for ane second year, which electione for that second year shall not continue but as above, but may if the council determine be chosen for ane third year, to continue as above and no longer, but hereafter shall chose another provost and shall lay that preceeding provost aside for that subsequent year and never come in office unless his merit deserves and he be chosen again after the intervall of one, tuo, or three years or more, as it to them shall seem fit; and the number of baillies to consist of three or four baillies yearly as the council shall appoint from year to year and time to time, to be elected, chosen and nominat, first, second, and third years, if the council think meet and convenient, in the same manner and after the method the provost is appointed yearly to be chosen; and after they or any one of them has served three years, to be laid aside, unless they be chosen againe, after such ane interval as is above written appointed for chosing ane provost in the case foresaid; and the dean of gild to be sicklike chosen yearly, and may sicklike continue in that statione the space of three years alenerly and no more, in case he be chosen yearly in manner above prescribed, as also the treasurer yearly as aforesaid. Which the haill court, of unanimous consent without contradictione, statuts, constituts, enacts and ordains to be the only method of electione in time comeing, commencing at Michalmass next to come, rescinding and annulling all former acts contrare hereto in any sort.

Extracted by me.

Sic subscribitur: J. COCK, Clerk.

BURGH OF WHITHORN.

WHITHORN.

Sett of the ancient constitution use and wont of the election of the magistrats and toun council of the Burgh of Whiteherne.

The said burgh is governed by a provost, tuo baillies, and fifteen toun council, yearly chosen at Michalmass out of the most deserving, judicious, and best qualified persons within the said burgh. The council at their annual election changes three of their number every year and elects other three in their roome and place, and being so chosen and elected and having qualified themselves to act conforme to law, they make and give in the leit of their provost and baillies, who elect the best deserving and most judicious persone of that leit to be their provost for that year till Michalmass thereafter, and according to the plurality of votes he is admitted and received provost, and their clerk administers the accustomed oath to him and he sits doun and takes his place. Thereafter the provost and council so elected they chose tuo of the best qualified men out of the leit of the baillies and according to the plurality of votes they are admitted and received to be baillies of the said burgh till Michalmass next thereafter, and after taking their oath they sit doun and take their place. The provost, baillies and council, so chosen and received, they give in a leit of their treasurer, and elects the most responsable and best deserving persone in the said leit to be their treasurer, for one year till Michalmass next thereafter, who according to the plurality of votes is received, and after taking his oath he takes his place. Nota, The provost, baillies, and treasurer are not continued longer then tuo years together at one time.

At Whiteherne, the tuenty ninth day of June 1709 years. Extracted out of the court book of the said burgh, by me William M'Gowane, commone clerk of the said burgh, witnessing hereunto my signe and subscriptione manuall.

Sic subscribitur: WM. GOWANE, Clerk common.

BURGH OF FORFAR.

FORFAR.

Sett of the Burgh of Forfar.

At Forfar the tuenty sixth day of June j^{m} vij^{c} and ten years, the provost, baillies, and toun council of this burgh being conveened in the ordinary place, and takeing to consideratione the eight number of the missive whereby each burgh of this kingdom are ordained to bring up their sett to the next convention, for the causes contained in the act of the royal burrows in that behalf made, have by the plurality of voices agreed that the sett following be the only sett of this burgh in all time coming, and ordained the same to be registrat in their council book and ane extract thereof caryed up by their commissioner to the next convention, that the same may be registrat in the general convention books, FORFAR.

conforme to the said act, of the which sett the tennor follows:—Michalmass week yearly, on the Wednesday thereof, is the election day of the magistrats and treasurer of the burgh of Forfar, for expeding whereof, on the Munday before, the magistrats and council make a leit of provost, baillies, and treasurer, in order to elect, viz., tuo on the leit of provost, four on the leit of baillies, and tuo on the leit of treasurer, the provost and baillies being elected annually, yet because it may chance by reason of the small number of inhabitants in this burgh that a penury of fit persons for representing in the magistracy may happen, the council condescends and appoints that the provost and tuo baillies may be continued for tuo or three years without prejudice of yearly electing; the council consisting of fifteen, beside the provost, tuo baillies and treasurer, of which fifteen the four deacons of crafts, viz., glovers, shoemakers, taillors, and websters are always councilers *ex officio.* The same day, after the council, the four trads meet and elects their deacons for that ensueing year, who have a vote in the electione altho not councilers for the preceding year nor named as new councilers for the election. Tuesdays night, the magistrats and old council conveens and choses other fifteen new councilers to pass on the election, being added to the old council (these fifteen of new council not being yearly councilers.) On the day of election, the magistrats, thesaurer, thirty councilers, and new deacons of crafts, with these who are on the several leits (altho neither old nor new councilers) meet and have every one their free votes in the electione, and so elects the provost, baillies and treasurer, for the ensueing year; and that on the Saturday thereafter the magistrats with the old council or quorum of them make choise of a new council for the ensueing year, the four deacons being always in the number, and this election of the council passes by vote. *Sic subscribitur:* C. Dickson, provost; William Ure, baillie; Alex. Jaffrey, baillie; John Tindall, treasurer; John Ogilvie, counciler; Will. Sturrock, counciler; Tho. Fenton, counciler; James Coutie, counciler.

Extracted by me, *Sic subscribitur:* W. DICKSON, Clerk.

ROTHESAY.

BURGH OF ROTHESAY.

Sett of the Burgh of Rothesay.

The provost, baillies and council, does meet yearly upon the first Munday after Michalmass, and the method they follow is and hes been in use these many years bygone past memory of man.

First, They make choise of four of the council, with one of the magistrats, to make choise of the council for the ensweing year, who removes to a place apart and makes choise and returns and shews what they did.

Then first they call in such men as are newly chosen, who swears the oath *de fideli* and qualifies themselves by law and so proceeds.

First, old and new council, with the magistrates, make a leit of four men to

ROTHESAY.

be provost the ensweing year, out of which four they nominate one to be provost, and he who gets manyest votes caryes to be provost the year ensweing; next they make a leit of eight men to be baillies, out of which eight tuo are nominat baillies, and the tuo who bears manyest votes are made baillies for the ensweing year; and then adjourns till the Friday thereafter, and then the officer warnes the haill new council to meet on Friday, and does not warne if any be set of.

Accordingly they all meet on Friday, and the first thing is the magistrates newly chosen gives their oath *de fideli administratione*, and if any of the new council who were not present the first day they then compear and swear *de fideli*, and all of them qualifies themselves by swearing and subscribing the oaths ordained by law. Next the magistrats and council choses their clerk and qualifies him.

The baillies choses their officers and qualifies them and procurator fiscall of court; and the magistrats and council proceeds and makes a leit of eight or moe whereof one to be chosen treasurer of the burgh for the ensweing year, and he who hes maniest votes is chosen treasurer for the year ensweing to uplift all dues belonging to the toun.

Sic subscribitur: JA. STEWART, ROBERT STEWART, DA. GLASS, DA. STEWART, Clerk.

BURGH OF FORRES.

FORRES.

Sett of the Burgh of Forres.

At Forres, the tuenty day of September one thousand seven hundred and eleven years, in presence of the toun council of the said burgh of Forres, ane letter being read direct by the agent of burrows to the magistrats of the said burgh anent their making a true account and return to the said agent of their sett in electing and chosing the magistrats and toun council of the said burgh yearly, bearing if they failyied therein to send the same at the time appointed, by ane act of the convention of burrows in July j^m vij^c and eleven, under the certificatione contained in the said act. In obedience to and performing whereof, the saids magistrats declare that the number of their council does not exceed the number of seventeen, provost, baillies, dean of gild and treasurer being included; and that at ilk election the old council choses the new and are changed yearly as occasion offers, and to that effect timeous premonition is made to the whole burgesses, heretors and inhabitants, of the day prefixt for electing of the saids magistrats and toun council, by tuke of drum and placarding on the croce and by other advertisements used and wont, and that the new council choses the magistrats and puts off and takes on or continues them as the circumstances of the place needs and requires; and this our sett has been unaltered

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these many years; and ordains our clerk of court to send ane extract hereof to the agent of burrows.

The provost, baillies and remanent council of the burgh of Forres. Signed in our name, and by our order by Robert Tulloch, our commone clerk.

Sic subscribitur: RO. TULLOCH, Clerk.

RUTHERGLEN.

BURGH OF RUTHERGLEN.

Sett of the burgh of Ruthglen.

At Ruthglen, the 12th day of October j^{m} vj^{c} and three scor eleven years, Andrew Harvie, provost, William Riddell, baillie, Robert Spence, George Fairrie, George Jollie, William Riddell, fisher, Thomas Wilkie, John Fairrie, John Riddell, elder, John Shaw, James Wyllie, Robert Bowman, John Riddell, tailor, John Muir, John Smith and Robert Auldcorn, councilers of the burgh of Ruthglen, with the special advice and consent of the haill inhabitants thereof now conveened, considering the debates, differences and divisions of this incorporatione in order to the electione of the magistrats and toun council thereof, and that it hath been the constant and continuall practice of the provost and baillies of the said burgh thir many years bygone after their election yearly to nominat and elect a council by and to themselves, whereby some leading and factious men have brought in on the council all their friends, allies, relations, and adherents, and so have practised and endeavoured to enhanse and perpetuat the magistracie to themselves for a long time, and to make use of and dispose upon the commone good, revenues, and casualties of the burgh as they thought fit, without comptrolment, to the great prejudice and ruine of the publick interest of this poor incorporatione, for preventing whereof and for removing and settling of all the differences and divisions in relatione to the election of their magistrats and toun council, and for establishing a constant and solid order to be inviolably observed thereanent in all time coming, it is now enacted, statute and ordained, by the said provost, baillie, and council, with the consent of deacons of trades and haill inhabitants of the said burgh forsaid, that the toun council of this burgh, consisting of fifteen persons for this succeeding year and in all time coming, shall be elected and chosen in manner following, to witt, that ilk ane of the three deaconries, viz., of the smiths, weavers, and masons, shall give in a list of six persons, and the fourth deaconrie, viz., of taillors, shall give in a list of four persons, and the remanent burgesses, inhabitants within the said burgh and territory thereof (bearing scott and lote within the samen) shall give in a list of eight persons to the provost and tuo baillies of the said burgh, who shall chose three out of the several three sixes, and tuo out of the four, and four out of the eight, which maketh up the number of fifteen persons, who are to be the commone council of the said burgh; and the forsaid forme of election of the said commone council is to be unalterable in all time coming.

And the saids four trades and remanent burgesses shall be holden and obliged to meet and give in their respective lists of persons forsaid to the said provost and baillies upon the thirteen day of October instant for this present year and upon the first Thursday next after the elections of the magistrats yearly in all time thereafter, wherein if the saids trades or any of them shall failzie that the saids magistrats shall have power to chose the councilers for that trade or trades and remanent burgesses and ane or either of them that shall happen to failzie to give in their list to the said provost and baillies upon the said first Thursday next after the said electione. Item, it is enacted, statute and ordained that the magistrats of the said burgh shall be chosen within the tolbooth of the said burgh upon the first Tuesday immediately after Michalmass in this manner, viz., at the election in the year j^{m} vj^{c} seventy tuo and in all years thereafter the provost and baillies shall be elected and chosen be a free voice of the then magistrats and council of the said burgh and of the thirty persons of additional council to be chosen be the said commone council; and that the said provost and baillies shall only continue in their offices for the space of ane year, and shall not be capable to be continued, but shall be changed yearly; and the toun treasurer to be thereafter chosen be the provost, baillies and council so established; and for auditing, comptrolling, and stating of the treasurers accompts yearly, there shall be chosen three be the provost, baillies and council, and three be the deacons and masters of the forsaids four crafts and eight persons of the remanent burgesses foresaid; and the said six masters to be stent masters for proportioning and laying on of all publick burdens to be imposed upon the said burgh. And whatever persone or persons refuses to accept any of the forsaid offices of provost, baillie, and treasurer forsaid, being lawfully elected thereto, shall pay to the treasurer for the commone use and behove of the said burgh the sum of ane hundred pounds Scots money; and it shall be leisum and lawfull to the present magistrats and council for the time being to elect and chose fit and able men to supply the places of such of the said provost, baillies, treasurer, and council, who refuses to accept of the saids offices and of these deceasand in the interval of elections. And this order to be inviolably observed and keeped in all time coming, and whatever persone or persons, provost, baillies, councilers, and burgesses within this burgh, shall any ways hereafter indeavour to repeal or any ways infringe this order, he or they shall not only be repute and holden as infringers of the liberties and priviledges of this burgh, and thereby *ipso facto* shall forfault their burgesship and be repute and holden as infamous and perjured persons, but also shall be lyable in a fine of ane hundred pounds to be payed to the treasurer for the publick use of this incorporatione; and farder all such facts and deeds to be done in prejudice of the forsaid sett and established forme of electione of the saids magistrats and council, choseing of the treasurer, auditors and stentmasters, shall be void and null, and of none avail, force, strength nor effect, as if the samen had never been thought upon or made. And ordains

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the above written act and sett to be recorded in the said commone council books of the said burgh of Ruthglen, and in the books of the four respective deaconries above mentioned.

Extractum per me. Sic subscribitur : WILL. SPENS, Clerk.

Act of the toun council of Ruthglen relative to the sett of the said burgh.

At Ruthglen, the tuenty seventh day of April one thousand seven hundred and ten years. John Muir and Patrick Witherspoon, baillies; John Scott, elder, Robert Bowman, elder, Andrew Harvie, elder, Andrew Fleeming, James Park, John Witherspoon, James Freebairn, William Harvie, James Peadine, and John Riddell, measone, councilers of the burgh of Ruthglen, now conveened, takeing to their consideration that this burgh and the publick good and utility thereof hath suffered by persons being admitted into the magistracy thereof without knowledge and experience of the touns affaires and circumstances of the samen, and which evil practices may be yet againe renued and be of dangerous consequence to the toun and publick good thereof and consequently to every private burges of the samen unless remeed be provided, which the saids baillies and council are willing to doe to the utmost of their power in manner underwritten; therefore the saids baillies and council have statute and ordained and hereby, with advice and consent of the four deacons and their masters of craft representing the saids trads, and the rest of the heretors and burgesses who are not incorporate within the four deaconries, statuts and ordains that in all time comeing no persone shall be capable of bearing office as provost of this burgh untill first he have born office as baillie therein for ane year at least, and that no persone shall be capable to bear office as baillie of this burgh untill first he has served as toun treasurer thereof; and because also it will be evil and dangerous consequence to this burgh and the publick well and utility thereof if any persone shall be advanced to be either provost, baillie, or treasurer of this burgh, except ane ordinary burges thereof, having alwayes his duelling and residence within this burgh, and thirteen pound land thereof, during the haill time of his bearing office in any of the forsaids stations, for preventing whereof the saids baillies and council, with consent forsaid, have statute, enacted and ordained, and hereby statutes, enacts and ordains that in all time coming no persone shall be capable to bear office within this burgh, either as provost, baillie, or treasurer, except ane ordinary burges of this burgh, having alwayes his duelling place and residence within the same, and thirteen pound land belonging thereto, during the haill time of his bearing office in any of the forsaids stations, and that none but such as shall be capable to be voted upon to bear office in any of the forsaids stations. And the saids baillies and toun council, with advice forsaid, have enacted, statute and ordained, and hereby enacts, statuts and ordains, that it shall not be lawful for any magistrate, counciler, or other burges whatsoever, in all

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time coming, to vote, plote, or contribute, anent the encroaching upon or contraveening this present act, under the pain of being declared uncapable to bear office in any publick statione within this burgh for ever thereafter and of losing his freedome and under the pain of ane hundred pounds Scots of fine farder for the publick use, well and behove of this burgh. And to the effect this act may be made more readly effectual, it is hereby declared that it shall be in the power of any of the private burgesses of this burgh, whether counciler or not, as well as the magistrats or councilers thereof, to cause the same to be put to execution at their instance, and that upon the expence of the contraveeners hereof, and that these presents shall be recorded in the council books and extracts hereof given gratis by the toun clerk thereof to the four trades that the same may be recorded in each trades books, and another extract given by the clerk gratis to the heretors; and this present act, with the writ commonly called the act of establishment of this burgh, dated the tuelve day of October j^{m} vj^{c} seventy-one years, shall be openly read yearly in all time coming, in presence of the magistrats, council, and burgesses, that shall be present upon the electione day of the magistrats, after the additional council has given their oaths and before the magistrats be elected; and that the present magistrats of this burgh, with the present councilers, shall subscribe this act, and that all succeeding magistrats and councilers of this burgh shall in all time coming immediately after giveing their oaths *de fideli* and before they exercise subscribe this act; and ordains the clerk to extract ane double hereof upon parchment which is to be signed by the present magistrats and toun council and the four deacons and their masters of craft and the rest of the heretors and burgesses who are not incorporate within the four deaconries, and which, with the forsaid act called the act of establishment, is ordained to be put into the touns charter chest. This act ratified and approven be the provost, baillies, and council, upon the tuenty-fourth of October one thousand seven hundred and ten years, and ordains the same to stand in full force in all time comeing, and alse, of new againe, enacts, statuts, and ordains that noe persone or persons whatsomever, except he be ane burges and constant indueller within this burgh and territories thereof, shall not be capable to be elected to represent this burgh, either as elector for the burgh or any other manner of way whatsoever in time comeing, and that under the pains and penalties therein contained.

Extractum per me. Sic subscribitur: WILL. SPENS, Clerk.

BURGH OF NORTH BERWICK.

NORTH BERWICK.

Sett or rule observed be the burgh of North Berwick at the electione of the magistrats and council.

The ordinar council, consisting of tuelve persons, merchants and tradsmen, inhabitant burgesses, viz., tuo baillies, one treasurer, tuo old baillies, old

NORTH BERWICK.

treasurer, and six councilers, conveens the first council day immediatly preceeding Michalmass and appoints the first Tuesday after Michalmass for electing their magistrats and council for the ensueing year.

Upon the first Tuesday after Michalmass, the council being convened, they leit four of the most knowing and substantial inhabitant burgesses, out of which, by plurality of votes, they elect tuo to officiat as councilers the ensueing year who at their acceptance are qualified conforme to law. The tuo new councilers being qualified, and conveening with the old council, the council then consisting of fourteen persons, merchants and tradsmen, proceed to the electione of their magistrats for the ensweing year, which is as follows, viz. :—

1° They leit four out of the nine old councilers, whereof by plurality of votes tuo are elected to serve as baillies for a year, who at their acceptance takes the oaths conforme to law.

2° They leit tuo of the remanent old council, whereof they elect one to serve as treasurer the said year, who upon his acceptance is qualified.

3° The magistrats being thus elected, they depose tuo of the remaining old councilers, so that the magistrats, old magistrates, tuo new councilers, and four old councilers, makeing up the ordinary council consisting of tuelve persons, have the sole government of the burgh for a year.

Extracted forth of the council books of the burgh of North Berwick be me.

Sic subscribitur : GEO. SIMPSON, Clerk.

CULLEN.

BURGH OF CULLEN.

Sett of the Burgh of Cullen.

In the first, the council consists of three baillies, ane dean of gild and treasurer, and tuenty-one councilers, being heretors, merchants in all and tradsmen, and each of the council yearly lists tuo and the whole council by votes choseth one of these tuo to be upon the new council till the number be full.

2° Thereafter there is a day appointed for receiving the new council and qualifying of them conforme to law, being ordinarly upon Michalmass day or tuo or three days sooner.

3° The said day, after qualifying and receiving the new council, the baillies makes their list, which is in number four persons listed by each of them, makeing tuelve in all, out of which tuelve, the baillies, dean of gild, treasurer and council, old and new, chose six, out of which six the three magistrats for the ensueing year are elected.

4° Thereafter the dean of gild and treasurer each lists tuo, out of which first number the dean of gild is, and out of the last the treasurer elected for year ensueing, by the haill magistrats and council.

Extracted forth of the toun court books of the said burgh, upon the tuenty-seventh of September j^{m} vij^{c} and eleven years, by me.

Sic subscribitur : THO. MURRAY, Clerk.

BURGH OF LAUDER.

LAUDER.

Sett of the Burgh of Lauder.

In the first place, there is tuo baillies who are chosen annually at Michalmass.

Item, There are fifteen councilers, whereof the treasurer of the burgh is one.

Item, These fifteen councilers, with four other new ones chosen by the baillies and council eight days before Michalmass head court, makes a leit of four of their number to go out with the present magistrats, and elects the baillies for the ensueing year out of that number, whereby the old magistrats may continue.

Item, After the baillies are chosen and qualified by takeing the oaths conforme to law, then they elect eleven of the old council to continue for the ensueing year, whereof the old baillies (if there be any change of them) are a part, and thir eleven with the four new ones make up the fifteen.

Item, The treasurer is chosen yearly, but he as well as the baillies may be elected of new.

This is extract out of the toun court books by

Sic subscribitur: A. HENDERSONE, Clerk.

BURGH OF KILRENNY.

KILRENNY.

Sett of the Burgh of Kilrenny.

By the sett of the toun of Kilrenny the toun council consists of fifteen persons, viz., three baillies, the treasurer and eleven burgesses. The election proceeds after this manner :—Three days before the third Thursday of September, which is the day prefixt for the said election, the baillies cause their toun officer by touck of drum make intimation to the haill inhabitants, requiring all the habile burgesses within the burgh to repare to the tolbuith upon the prefixt day and there give their respective votes in the election of baillies and treasurer for the ensueing year (it being the custome of the said toun, ever since its erectione into a royal burgh, to elect their baillies by a vote of the haill burgesses that will qualifie in the terms of law.) In obedience to which intimatione, the haill burgesses convene accordingly about nine a clock in the morning. But before electione the old baillies and council conveen within the council house and take in the treasurer his accompts of intromission with the touns patrimony that year; which being done and he discharged, they immediately nominat a new council for the year ensueing, and thereafter ordain all the burgesses that are to vote to qualifie themselves according to law, which being alse done they proceed to elect. And, first, the baillies give in their leit of nine persons, whereof they themselves are always three, out of which they are to choise the three baillies for the year

Kilrenny.

ensueing, and the treasurer gives in his leit of three persons, whereof he himself is always one, out of which they are to elect their treasurer for said year; which being read over in presence of the council and approven of by them, the same is read publicly in audience of the haill burgesses that are to vote. This being done the clerk is appointed to sitt within the council and mark the votes (there being alwayes one of the council appointed to oversee his right marking) and accordingly first the baillies, then the council, and thereafter the haill qualified burgesses, one by one, give their several votes for the baillies and treasurer for the said ensueing year; and the persons chosen by plurality of votes, together with the new council, immediately conveen within the council house and accept of their respective offices and give their oaths *de fideli administratione*, the same being tendered to the three baillies by the clerk and by them first to the treasurer and then to the council, which being done they adjourn.

This forme and manner of electione hath alwayes been practised and made use of within the said toun of Kilrenny, ever since the erectione thereof in a royal burgh, as will appear by the records of council thereof.

Extracted forth of the saids records, upon the fifth day of September one thousand seven hundred and ten years, by me.

Sic subscribitur: Jo. Paton, Clerk.

Annan.

BURGH OF ANNAN.

Sett of the Burgh of Annan.

At Annan, the tuenty third day of June one thousand seven hundred and tuelve years, the which day, the magistrats and toun council of the said burgh being in council conveened, did (in obedience to the seventh act of the general convention of the royal burrows in July j^{m} vij^{c} and eleven years anent setts for regulating elections in time comeing) agree to statute, enact, and ordaine that the sett underwritten hath been, now is, and shall be, the sett of our burgh for regulating our elections in time coming, viz., that we have ane provost, three baillies, ane treasurer, dean, and thirteen councilers; and ordains our clerk to give our commissioner ane extracte of this act, to be by him laid before the ensueing general convention which is to meet at Edinburgh the first day of July next for their approbation.

Extracted forth of the court books of the said burgh by me.

Sic subscribitur: Geo. Blair, Clerk.

Lochmaben.

BURGH OF LOCHMABEN.

Sett of the Burgh of Lochmaben.

At Lochmaben, the tuenty sixth day of June one thousand seven hundred and tuelve years, the which day, the magistrats and toun council of the said burgh being conveened in commone council, did, in obedience to the seventh act of the general convention of the royal burrows in July one thousand seven hundred and eleven, anent setts of burghs, find that by the old and constant custome of the said burgh the sett thereof is as followes, viz., The burgh has been in use to have a provost, and sometime three baillies and sometimes only tuo, a dean of gild, and ten councilers when they had three baillies and eleven when they had only tuo, of which councilers tuo are put off annually after the election and tuo new ones brought in their place, and that both the new and old councilers have voice in the election before the tuo old ones are turned out of the council which is ordinarly done the afternoon of the election day. And ordained the clerk of the burgh to give ane extract hereof to our commissioner to the ensueing convention, to be by him laid before them for their approbation thereof as the sett of the burgh in all time coming. LOCHMABEN.

Extracted by *Sic subscribitur:* J. HENDERSONE.

BURGH OF NEW GALLOWAY.

NEW GALLOWAY.

Sett of the Burgh of New Gallaway.

At the royal burgh of New Gallaway, the penult day of October one thousand seven hundred and eleven years, in presence of Samuell Brown of Mollance, lord provost of the said royal burgh, William Nairn and Rodger M'Naight, baillies thereof, elected for this present year, and councilers of the samen, they being conveened in council anent the eight article of the missive from the royal burrows mentioning that by the thirtie eight act of the general convention in anno one thousand seven hundred and eight each royal burgh within this ancient kingdom are appointed to send up their sett to the clerk of the burrows, to be recorded in a particular book to be kept for that purpose, to the end any questions anent their respective setts may be quickly discussed upon producing the said book; in obedience thereunto, wee, the saids present magistrats and toun council, doe hereby affirme and declare that our said burgh has been always in use of and yet continue in the election of magistrats and councilers in manner underwritten, viz., That our magistracy consists of ane lord provost, tuo baillies, ane treasurer, ane council consisting of fifteen habile persons within the burgh, with a dean of the mercat, who are elected *ut infra*, viz., The lord provost and baillies elect the first five of the councilers, and the said first five new councilers elect the next five new councilers, and the saids ten councilers elect the lord provost and tuo baillies and treasurer, with ane dean of the mercat, and ane clerk of the burgh and other servants to serve under them.

This being our report is recorded in our court books and desired it may be recorded in the books of the convention of burrows for Scotland.

Extracted out of the said burrow court books, by me, Alexander M'Culloch, notar publick and principal clerk to the said burgh.

Sic subscribitur: A. M'CULLOCH, *N.P. and Clericus Burgi*

Dingwall.

BURGH OF DINGWALL.

Sett of the Burgh of Dingwall.

At the Michalmas head court, holden be the magistrats and toun council of the burgh of Dingwall within the tolbuith of the samen, upon the ninth day of October one thousand seven hundred and ten years, Kenneth Bain of Tulloch, younger, one of the said council, and commissioner appointed for representing the said burgh in the last general convention of the royal burrows, holden at Edinburgh in July preceeding, produced the draught of the act of sett for regulating the election of the magistrats and council of the said burgh, concerted with the neighbouring burrows by appointment of the said honourable convention, and after the same was publickly read and duly considered by the saids magistrats and toun council it was put to the vote—approve of the said draught or not—and caryed unanimously—approve; and thereafter it was ordained by the saids magistrats and toun council that the forsaid act should be recorded and ane authentick extract thereof transmitted under the hand of their clerk by the commissioner that shall be appointed to represent the said burgh in the next generall conventione that the same may be ratifyed and approven by the said honourable conventione; of the which act of sett the tenor followes thus:—The annual electione of the magistrats and council of the burgh of Dingwall shall be upon the tuenty ninth of September when it falls to be Tuesday, and when it falls on any other day the next Tuesday thereafter, the which day the then present council being met in the ordinary place, shall chose a new council to consist of fifteen persons, who must be merchants or tradsmen residing in the burgh or heretors bearing a part of all the publick burdens of the burgh, out of which number of fifteen of new council the old council shall chose a provost, tuo baillies, dean of gild and treasurer, by making three lists for the provost, four for the baillies, tuo for the dean of gild, and tuo for the treasurer, without being restricted to have the old magistrats on the leits. The provost, dean of gild and treasurer, shall not continue longer then three years without being changed but the baillies may be continued five years. And the provost, baillies, dean of gild and treasurer are to be continued in the number of fifteen councilers the next year after they goe out of their offices, and none shall be capable to bear any office of magistracy in the toun till he be tuo years a counciler, and there shall be tuo at least of the council changed every year.

Extracted by me. *Sic subscribitur:* Jo. Tuach, clerk.

Queensferry.

BURGH OF QUEENSFERRY.

Appoyntment of the convention of burrows to their committee for makeing a sett to the Burgh of Queensferry.

In the general convention of the royal burrows holden at the burgh of Edin-

QUEENSFERRY.

burgh upon the tenth day of July one thousand seven hundred and ten years by the commissioners therein conveened, the which day, the conventione, anent the representation given in be George Hill, late baillie of Queensferry, for himself and in name of several others of the said burgh, complaining of ane undue election of magistrats in Queensferry at Michalmass last, and anent the answers given in to the said representation for James Dalgleish, late baillie of the said burgh, for himself and in name of severall other burgesses and inhabitants thereof, the conventione, in the first place, ordered both parties to enact themselves to stand to their determination, which being accordingly done, the conventione decerned and ordained the present magistrats and council of the said burgh to continue till Michalmass next, and remitted to the committee appointed to sit after disolving of this present conventione to make a sett to be the rule of electione of the magistrats and council of the said burgh in time coming, from and after the said term of Michalmass next, and recommended to the burghs of Edinburgh, Linlithgow, Inverkeithing and Dumfermling, or any one of them, to see the said sett duely observed, and ordained them to report their dilligence to the next general convention.

Sett of the Burgh of Queensferry.

In the committee of the royal burrows, holden at the burgh of Edinburgh upon the seventeen day of July j^m vij^c and ten years, the which day, the committee having considered the representatione given in to the last general convention by George Hill, late baillie of Queensferry, for himself and in name of severall others of the said burgh, complaining of ane undue election of magistrats in Queensferry at Michalmass last, with the answers given in to the said representatione for James Dalgleish, late baillie of the said burgh, for himself and in name of severall other burgesses and inhabitants there, with the saids parties submission to the convention and their committees determination, and remit by the conventione to the said committee, by the thirty act of the samen, to make a sett to be the rule of electione of the magistrats and council of the said burgh in time coming, from and after the said term of Michalmass next, and having fully heard both parties upon the said matter, the said committee decerned and ordained the following sett to be the only rule of the electione of the magistrats and council of the said burgh of Queensferry, from and after the term of Michalmass next, of which sett the tennor followes:—Imprimis. That the old custome of the burgh in the matter of election of their magistrats and council to be inviolably observed as to the number of electors, whereof eighteen councilers and fourteen burgesses, tuo or three of the deacons being of that number. Item. That the quality of the electors be that the tuo part thereof be seamen and the third part landmen burgesses, inhabitants bearing scotte and lotte. Item. That the magistrats and council to be elected consist of the same species. Item. That the stent-masters, whereof six are

QUEENSFERRY. ordinarly the number, consist of four seamen and tuo landmen, of which number there shall be ane old magistrat if he can be had in the burgh, and the said stentmasters shall be chosen by the council. Item. That all the saids persons be suorn at the time of their elections to be faithfull in their several offices. Item. That in time comeing one of the forsaids baillies who are seamen shall be obliged to attend their post during that year wherein they are elected. Item. That for preserving the policy of the burgh, in case so many seamen shall not be found in the burgh as will make up the tuo thirds of the electors, in that case and no otherwise landmen may be elected to supply their place. Item. That no new burgesses shall be assumed within the said burgh until Michalmass, that the electione may proceed at that time of the burgesses and inhabitants now belonging to the place. Item. That upon Tuesday preceding Michalmass, being the tuenty sixth day of September next, the electione expressly conforme to the conditions above written shall proceed by the pole of the burgesses, and in all time thereafter the elections are to be according to the former old custome of elections. Item. That tuo or three of the deacons of crafts must be always three of the forsaid electors of magistrats and council, and shall be tuo or three of the council over and above the forsaid eighteen councilers, and so makeing up in haill tuenty or tuenty one councilers. Item. In case of the absence of any of the tuenty or tuenty one councilers at the electione, the magistrats and council present shall fill up the vacant places with inhabiting trading burgesses to make up the quantity and quality of the council, viz., tuo parts seamen and one part landmen of the eighteen councilers besides the tuo or three deacons of incorporations, and in case any warned to be of the number of the fourteen assumed to the council to make up the number of thirty tuo refuse to come that then the council shall supply the vaccancies by chosing proxies in their roome. Item. That the commissioners of the burghs of Edinburgh, Linlithgow, Inverkeithing, and Dumfermling, or any one of them, attend the said electione the foresaid day for preventing of all disorder and confusione that may happen in the foresaid election.

FORTROSE.

BURGH OF FORTROSE.

Sett of the Burgh of Fortrose.

In a council meeting, holden within the burgh of Fortrose, the tuenty third day of June one thousand seven hundred and eleven years, by Mr George M'Kenzie of Inshculter, provost, John Dallas of Bannans, Duncan Forbes, and Robert Clark, baillies of the said burgh, Hugh M'Culloch, treasurer, (*blank*) dean of gild, Hugh Baillie, John Wilson, elder, John Wilson, younger, Robert Wilson, Alexander Man, John M'Donald, George Baillie, Donald Watson, Alexander Watson, Hugh Miller, and George Huiston, councilers of the said burgh of Fortrose, they after mature deliberatione and serious consideratione

FORTROSE.

had, and in obedience to the thirty eight act of the general conventione of the royal burrows *anno* one thousand seven hundred and eight, conforme to the seventh head or article of this years missive, have all unanimously agreed to the following sett for regulating their annual elections in time coming, to the effect the same may be reported to and laid before the honourable conventione of the royal burrows to be holden 'at Edinburgh the first Tuesday of July next, for their approbation :—Primo. It is agreed to and enacted hereby that at ilk annual electione to be made at Michalmass in time coming, the number of the council, including the provost, three baillies, treasurer and dean of gild for the said burgh as unite, shall be hereafter made up of, restricted to, and not exceed fifteen in all, consisting of merchants, traffickers, burgesses, inhabitants within the samen burgh, authorized by law, bearing all portable charges with their neighbours and a part of the publick burdens and who can tine and wone in all their affaires. And that, at each annual electione forsaid, the old council shall elect the new and alter no fewer then tuo of the old and the alike number altered and impaired to be elect in their place. Secundo. That the council so elect, have power to elect a provost for exercing in that statione the succeeding year, who being qualified according to law shall not continue without intermissione furder then three years. Tertio. That in the electione of bailies by all the saids new members of council (being qualified as said is) there shall be three of their number put on the leit with the three old bailies *in præsentia*, and after removal of old and new out of council, the members within, with the provost in office, inclosing themselves and choising a præsident for asking and gathering the votes, are to elect and chose forth of the said six removed, three new baillies for officiating in that statione thereafter; which six re-entring the house, the three elected to be divulged and published in council and these new elected to accept and officiat as said is, and that no baillie shall continue without intermissione longer then three years. Quarto. That thereafter the magistrats and council doe elect, nominat and appoint their dean of gild, treasurer, fiscall, and three officers, to exercise and officiat in their respective station (being qualified as said is) for no longer then three years, and magistrats and council in office their pleasure to elect and continue the said fiscall and officers longer. Which method and order is ordained to be inviolably used and observed for the future by the magistrats and council of this burgh of Fortrose as unite, after the same is approven and ratified by the ensueing honourable conventione of royall burrows act. *Sic subscribitur:* Geo. Mackenzie, preses, Jo. Dallas, baillie, D. Forbes, baillie, Robert Clark, baillie, Hugh M'Culloch, treasurer, Hugh Miller, counciler, George Houston, counciler, Hugh Baillie, counciler, John Wilson, counciler, Geo. Baillie, counciler, Donald Davidson, counciler, Robert Wilson, counciler, John Wilson, counciler, Donald Watson, counciler, Alexander Watson, counciler.

Kintore.

BURGH OF KINTORE.

Sett of the Burgh of Kintore as to the election of the magistrats and toun council thereof, and that conforme to the thirty-eight act of the general convention of burrows in anno j^{m} vij^{c} and eight, to the effect therein mentioned, is as follows, viz. :—

Imprimis. The old council of the said toun, consisting of nine persons, with the present magistrats of the said burgh, choses the new magistrats for the ensueing year.

Item. The saids new elected magistrats, with the said old council of the said toun, choses the new council for the said ensueing year.

The said yearly electione of the saids magistrats and toun council is made at or about Michalmass.

This sett is given in to the committee of the royal burrows by Robert Bruce, present baillie of the said burgh, at Edinburgh, the sixth day of July one thousand seven hundred and ten years.

Sic subscribitur : Rob. Bruce.

Inverurie.

BURGH OF INVERURIE.

Sett of the Burgh of Inverurie as to the election of the magistrats and toun council thereof, and that conforme to the thirty-eight act of the general convention of burrows in anno j^{m} vij^{c} and eight, to the effect therein mentioned, is as follows, viz. :—

Imprimis. The old council of the said toun, consisting of nine persons, with the present magistrates of the said burgh, choses the new magistrats for the ensueing year.

Item. The said new elected magistrats, with the said old council of the said toun, choses the new council for the said ensueing year.

Item. The yearly electione of the said magistrats and toun council is made at or about Michalmass day.

This sett is given in to the committee of the royal burrows by John Fergusson, present baillie of the said burgh, at Edinburgh, the sixth day of July one thousand seven hundred and ten years.

Sic subscribitur : J. Fergusson.

Wick.

BURGH OF WICK.

Sett of the Burgh of Weik.

The toun of Weik was erected in a burgh royal the tuenty-fifth of September one thousand five hundred eighty-nine, by George, Earle of Caithness, who, WICK.

by the charter of erection granted to the toun, obliged them to chose their magistrats by his advice, so that the constant sett of the toun was to allow the Earle of Caithness to be provost, and him to chose one of the baillies, and the toun only choseing the other, and thereafter the provost and the tuo baillies to nominat seven councilers of burgesses and heretors within the said toun; but now, since the Earle of Caithness does not concerne about the provostrie, the toun has been and are in use to chose their own provost and tuo baillies by the plurality of the pole, and the provost in conjunctione with the tuo baillies (if on the place) doe nominat the seven councilers, with ane dean of gild and treasurer.

This is the true sett of this burgh, as is verified by, *sic subscribitur*, Alex^{r}. Doull, baillie, J. Manson, counciler, Alex. Poull, counciler, Geo. Sinclair, counciler, Alex^{r}. Muliken, counciler, Will. Murray, counciler.

BURGH OF KIRKWALL.

KIRKWALL.

Sett of the Burgh of Kirkwall.

Sett of the burgh of Kirkwall is as follows, to witt, that the burgh shall have ane provost, four baillies, ane dean of gild and ane treasurer, and sixteen councilers, whereof the four deacons of crafts to be four, to be elected in manner following, viz. :—The magistrats and council shall yearly, some six or eight days before Michalmass day, meet in their council chamber, and by plurality of votes make a leit of tuo out of the council to be with the then present provost upon the leit of provostrie, and four out of the council, with the then present baillies, to be upon the leit of bailliary, and double of which leits, signed by the commone clerk or his deput, shall be given to the four trades or their deacons, and another double to ane of the toun officers, with a list of the burgesses qualified in manner after specified to have vote in the electione, bearing ane warrand to the said officer for charging the saids burgesses to be present at the electione upon Michalmass day about eleven of the clock at ringing of the bell, to give their votes; and that the magistrats and council upon Michalmass day in the forenoon conveen within St Magnus kirk in Kirkwall and receive the votes of the said burgesses and trades; each burges to vote for one to be provost and four to be baillies, and each trade by their deacon or eldest craftsman upon the place to have tuo votes, both as to the leit of provostry and bailliary, conforme to custome; and that the provost so elected shall continue for tuo years and the baillies for one year, notwithstanding whereof the provost or baillies may be continued longer if they be of new elected. *Item.* That no honourary burges or burgesses, not actually residing within burgh or not scotting or lotting with the burgh, shall have vote in the electione. *Item.* That no proxies be admitted for absents, excepting only for such as were present upon the place at making up of the leits, qualified as said is, and charged to be present personally or at their duelling places as use is but necessarly called away thereafter. *Item.* The

Kirkwall.

provost and baillies to be elected in manner forsaid shall, upon Michalmass afternoon or next council day thereafter, by plurality of votes, chose ane dean of gild and ane treasurer out of the old council; and the provost, baillies, dean of gild and treasurer chose the new council; and if any of the old magistrats be changed and new ones chosen in their place, the old shall continue to sit in council the succeeding year. *Item.* That the magistrats and council being so chosen the four several trades shall name tuo of each craft to be with the respective old deacons upon the leit of deaconrie and given in to the council, out of which leit the magistrats and council shall by plurality of votes chose one of each craft to be deacons for the ensueing year.

Extracted from the records of the said burgh, at Kirkwall, the tuenty-third day of June one thousand seven hundred and tuelve years, by me, George Spence, commone clerk thereof.

Sic subscribitur: Geo Spence.

Inverbervie.

BURGH OF INVERBERVIE.

Sett of the Burgh of Inverbervy.

I, George Thomsone, commone clerk of the toun of Inverbervy, doe hereby testifie and declare that it hath been and now is the constant and practised custome, conforme to law, to elect and chose the provost, baillies, toun council of the burgh of Inverbervy yearly upon the Wednesday immediatly preceding Michalmass day, and if Michalmass day fall upon Wednesday then to elect the same day in manner following; (the number whereof consists of fifteen members, the provost, the baillies, dean of gild and treasurer being six of the said number) and the other nine members are chosen by the old council in order, conforme to the forme and practise observed in royal burrows yearly upon the forsaid occasions. In testimony whereof I have subscribed thir presents, at Inverbervy, the second day of July one thousand seven hundred and nine years.

Sic subscribitur: Geo. Thomsone, Clerk.

Stranraer.

BURGH OF STRANRAER.

Sett of the Burgh of Stranrawer.

Town court of the burgh of Stranrawer, holden within the Tolbuith thereof, upon the eight day of October j^{m} vij^{c} and eleven years, by the magistrats and haill toun council of the said burgh. The which day, the magistrats and toun council of the said burgh conveened, in obedience to ane act of the royal burrows, doe hereby declare that the underwritten sett is the true and reall copy of the sett and accustomed way of the election of the provost, baillies, dean of gild, treasurer, and toun council of this burgh, whereof the tennor followes, and is such:—The council of the said burgh consists of fifteen burgesses, inhabitants, STRANRAER.

beside the provost and tuo baillies. They all meet and conveen upon one of the lawfull days of the ensueing week after Michalmass and there the provost and tuo baillies, or any tuo of them, doth divide the fifteen councilers into three leits, and each leit consists of five persons, which five persons are removed *per vices*, and it is put to the vote, whether all or either of them be continued councilers or not for the year ensueing, and in place of any that are not continued there is immediatly the like number of burgesses chosen and called for to make up the haill number of fifteen, and thereafter the magistrats one or more present puts three men on the leit as to the provost, and then it is put to the vote of the council so elected as aforsaid, which of them shall be provost, and he who hath the plurality of votes is elected provost; and in the next place, they chose four men out of the council to be upon the leit of the baillies and who hath the plurality of votes tuo of the said leit are elected baillies; likeas it is put to the vote of the haill council who shall be dean of gild, and he that hath the plurality of votes is elected; and last tuo persons of the council is upon the leit for treasurer, and he who hath plurality of votes is elected treasurer. *Nota.* The provost is only continued for tuo years. And the forsaid magistrats and council ordained their clerk to transmitt ane copy of the forsaid act and sett, under his hand, to the clerk of the royal burrows.

Extracted forth of the toun court books of the said burgh of Stranrawer by me.

Sic subscribitur: J. PATERSONE, Clerk.

BURGH OF AYR.

AYR.

Sett of the Burgh of Air.

Air, ninth July j^{m} vij^{c} and thirteen years. The constitution and sett of the magistrats of the burgh of Air and the manner of their election is as followes, viz.: There is the provost, tuo baillies, dean of gild, treasurer, ten merchant and tuo trades councilers, in all seventeen, which are elected at the times and in manner aftermentioned, to witt, upon Wednesday before Michalmass day the saids provost, baillies, dean of gild, treasurer, ten merchant and tuo trades councilers, meet within the tolbuith and elect four other merchants and tuo trades, all of different deaconries and crafts, who are to be members of the council for the subsequent year, and upon Friday immediately before Michalmass day the old and new council, consisting of tuenty three in number, chose and elect the persons who are to be upon the leits for provost, baillies, dean of gild, and treasurer, three persons of the said tuenty three being on the leits for provost, six for baillies, three for dean of gild, and three for treasurer. Upon Munday immediatly after Michalmass day the said old and new council meet with the remaining three deacons of the other crafts, consisting in all of tuenty six in number, within the said tolbuith, about ten of the clock before noon, and betuixt and tuelve of the clock at noon, elect out of the saids leits; the provost, baillies, dean of gild, treasurer, with the tuelve councilers, four of the merchants and tuo of the trades of the old council necessary falling off.

This attested by,

Sic subscribitur: Jo. HUNTER, Clerk depute.

SANQUHAR.

BURGH OF SANQUHAR.

Sett of the Burgh of Sanquhar, made by recommendation in the sixth act generall convention 1713.

Whereas the last general convention having recommended to the commissioners of the burghs of Dumfrice, Kirkudbright, Annan, and Lochmabine, to ascertain a sett for the burgh of Sanquhar, and we having conform to that recomendation considered duely the chartors and custome of the said burgh, wee are of opinion that for all time hereafter their sett should be that they shall have a provost, three baillies, dean of gild and treasurer, with eleven councilers, making in all seventeen; and that these shall be of heretors, merchants, or tradsmen, burgesses, residenters within the said burgh, and that these nor any of them shall continue longer then one year unless they be choiced againe, and at least that there be four new councilers yearly, and that the old council shall still choice the new annually at Michalmass if it fall on a Munday, if otherways then the first Munday after Michalmass. In witness whereof, we and the provost of the said burgh of Sanquhar have subscribed these presents, at Edinburgh, the ninth day of July one thousand seven hundred and fourteen years. *Sic subscribitur:* John Corsbie for Dumfrice, Wm. Johnston for Annan, John Kirpatrick for Kirkudbright, Geo. Kennedy, Lochmaben, Ab. Cricton, provost of Sanquhar.

CAMPBELTOWN.

BURGH OF CAMPBELTOWN.

Sett of the Burgh of Campbeltoun.

His grace the Duke of Argyle who is proprietor of the burgh, by the charter of erection (among his whole other rights as formerly thereby reserved) has the priviledge of giving in a leit of three of the inhabitant burgesses, out of which one is chosen provost, and of six of the other inhabitants burgesses out of which tuo are chosen baillies.

There is a dean of gild and treasurer, with tuelve of a commone council, yearly in the burgh, and a water baillie, five stenters and tuo collectors of the cess and necessary stents, with four of the toun inhabitants burgesses, for the common and ordinary comprisers, and of late tuo proper men in the place elected for toun coopers and packers.

The magistrats and council, conforme to their charter of erection, do meet

CAMPBELTOWN.

yearly on Michalmas day the tuenty ninth of September if a lawful day, and if not on the next lawfull day thereafter, in order to their election, and at meeting four of the old council are eased four of a new in place of the old are elected, and the old magistrates with the council old and new choose the new magistrats, dean of gild, treasurer and other office bearers, who sometimes do continue for tuo years together unchanged (though by annual election continued) but never exceed tuo years.

The tuo baillies, the whole year after they are eased, are admitted of the council by vertue of their office the year preceeding, and the provost tho' changed is still a counciller during life, but neither he nor the late baillies are obliged to attend or can be fyned for absence.

The election is made both with respect to Argyles leit and of the other office bearers indifferently, both out of merchants, gentlemen resident being burgesses at the time, or of tradesmen according to merit, without distinction.

The clerks, fiscalls, and officers posts are precarious.

Upon the Duke of Argyles leit of nine for baillies the magistracy and council may choose three baillies out of the nine by the charter of erection, by which likeways the magistrats are justices of the peace within the toun bounds, and do choose tuo of the inhabitants to serve from half year to half year as constables.

Extracted forth of the records of the said burgh by me.

Sic subscribitur : RO. CHALMERS, Clerk.

BURGH OF FORTROSE.

FORTROSE.

Sett of the Burgh of Fortrose.*

In a council meeting holden within the burgh of Fortrose, the thirteen day of November one thousand seven hundred and seventeen years, by Alexander Gordon of Ardoch, esquire, provost, Duncan Forbes, Hugh Baillie, junior, and John Miller, baillies of the said burgh, Andrew Watson, dean of gild, Robert Watson, treasurer, Collin Graham of Drynie, Robert Clerk, late baillie, George Houstoun, Donald Watson, Robert Clerk, junior, David Watson, James Aird, Robert Watson, junior, and Murdo M'Donald, councilers of the said burgh of Fortrose, they upon mature deliberatione and after serious consideratione of the state of the burgh, and for diverse others important, considerable, and well weighed reasons, being chapterly met, and having the advice of severals the most considerable inhabitants, and having God and a good conscience before their eyes, and next to that the good of the toun and community, have unanimously agreed that the sett for regulating the annual election be altered with respect to circumstances and number as followes, viz. :—*Primo.* That at ilk annuall election to be made at Michalmass in time coming the number of the council, including the provost, three baillies, dean of gild and treasurer for the said burgh

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* See sett of the burgh of Fortrose, *antea* p. 232.

FORTROSE.

as unite, shall hereafter be made up of, restricted to, and not exceed thirteen in all, being merchants, heretors, traffickers, tradsmen, and burgesses inhabitants within the samen burgh authorized by law, bearing all portable charges with their neighbours and a part of the publick burdens and who can tyn and wone in all their affaires, and at each annual election it shall be in the power of the council to continue or discontinue tuo more or less of their number, which however must undergoe the vote of the whole council. *Secundo.* That the council have power to choose a provost, who may continue without intermission and be capable of re-election as long and how long the council shall judge it for the benefite of the community and incorporation (the councillers *ante omnia* qualifying conforme to law.) *Tertio.* That in election of baillies by the whole members of council there shall be three of their number put on leit with the three old baillies *in presentia* and after removall of the whole six out of council the provost (if present) presiding, or in his absence the preses chosen by plurality of voices for gathering the votes, the members inclosed are to elect and choose, out of the six removed, three new baillies for officiating in that station till the next annuall election, and upon their re-entry and the election being divulged the chosen are to accept in council and officiat as said is. *Quarto.* That the magistrats and council shall elect their dean of gild, treasurer, fiscall, and officers to exerce and officiat in their severall stations, and its hereby declared that the baillies and above office bearers may be re-elected, continued or discontinued, according as the council shall think fit and expedient *ut supra;* which method and order so ordained to be inviolably used and observed for the future by the magistrates and council of this burgh of Fortrose as unite. *Sic subscribitur:* All. Gordon, provost; D. Forbes, baillie; Hugh Baillie, baillie; J. Miller, baillie; Robert Watson, treasurer; George Houston, councillor; David Watson, councillor; Murdo M'Donald, councillor; Robert Watson, councillor; Donald Watson, councillor; Robert Clerk, councillor; Ja. Aird, councillor.

DUNFERMLINE.

BURGH OF DUNFERMLINE.*

Act of the royal burrows ratifying a new sett by decreet arbitral for the Burgh of Dumfermling.

Act of convention, 13 July 1723.

Att Edinburgh, the thirteen day of July one thousand seven hundred and twenty-four years. In the general convention of the royal burrows holden at the said burgh by the commissioners therein conveened, anent the petition presented to the general convention of burrows upon the ninth day of July j^{m} vij^{c} and twenty-three, by John Wilson, weaver, burges of Dumfermling, for himself and in name of a considerable number of the burgesses of the said burgh, shewing that where the committee of the convention of burrows mett at Dumfermling the tenth of July j^{m} vj^{c} and eighteen, by their decreet pronounced by them for regulating and establishing the order and method of electing the magistrats

Decreet, 10 July 1618.

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* See sett of the burgh of Dunfermline, *antea* p. 201.

and council of the said burgh, statute and ordained that the form of election of the magistrats and council of the said burgh should be in all time thereafter as follows, viz. : That the haill magistrats and councill should consist of the number of sixteen persons, whereof nine merchants and seven craftsmen, of the which number of nine merchants there should be chosen the provost for the year to come, tuo baillies, dean of gild and thesaurer, and ordained the then present councill to elect and choose the said sixteen persons in all time thereafter, the old to chose the new ; and for that end the old councill and the new, consisting ilk one of them of the number of persons above written, to conveen yearly at their ordinary time of election and to elect and chose the said magistrats, baillies, and other officers of burgh, who should bear rule for the year to come : as in the said decreet is at more length contained ; yet, notwithstanding whereof, there was a custom of late introduced to the said burgh whereby the old council of themselves consisting of the number of sixteen and not in conjunction with the new as is directed by the said decreet did meet and elect the dean of gild and thesaurer for the ensueing year, albeit it be expressly statut by the said decreet that the old and new councill, consisting ilk ane of them of the number of sixteen persons, should elect and choose the dean of gild and thesaurer as well as the other magistrats and office bearers within the said burgh ; and whereas it seemed highly reasonable and just and agreeable to the constitution and practice of every well governed burgh that the leet of each trades counsellor should consist of the present and immediat last deacons, yet by a custom of late creept into the said burgh the present counsellor tho' neither present nor immediat last deacon was always on leet and for ordinar chosen counsellour for several years successively, by which practise a counsellour might be continued for many years, yea during life, expressly contrair to the many laws and acts of parliament and of the royal burrows made thereanent ; and albeit by the constant custom and uninterrupted practise of the said burgh, the old and new councills, electors appointed by the said act of the provost, baillies, dean of gild, and thesaurer, had been in use of leeting, electing and choiseing ane gildbrother of the said burgh for representing the same as provost, baillies, dean of gild or thesaurer, yet notwithstanding thereof within these tuo years there had been a design of introducing this practise that none be put upon the leet for any of the foresaid offices but such as are present members of councill, and for supporting thereof it had been alleadged that the said practise was agreeable to the decreet of the committee before mentioned, whereas the plain import and meaning of the said decreet is, as it had always been understood to import, no further than that these office bearers when elected were councillors *ex officio.* For redressing of which grivances the petitioner, with a considerable number of the burgesses of the said burgh, made application to the magistrats and council by petition, hopeing propper methods would have been taken for restoring the form and method of electing the magistrats and council prescribed by the foremen-

DUNFERMLINE.

Committee of convention, 22 Aug. 1723.

tioned decreet of the committee of the convention of burrows and rectifying such abuses as have of late creept into the election of the magistrats and other members of councill, but the magistrats having delayed to proceed in the said matter there was a necessity for regulating the order and method of elections in the said burgh and preserving the peace and quiet thereof to make application to the honourable convention of the royal burrows then mett, therefore craveing the honourable convention to take the premisses to their consideration and to rectify the above grivances by settleing such rules as would be thought propper for facilitating the election of the magistrats and council of the said burgh and preserving the peace and quiet thereof, as the petition bears. Which being read in presence of the convention, and they having heard the commissioner for the said burgh thereanent, they by their act of the date the said ninth of July j^{m} vij^{c} and twenty-three appointed the burghs of Edinburgh, St Andrews, Stirling, Innerkeithing, Kirkaldie, Kinghorn, Culross, and Queensferry, whereof five a quorum, to meet at the said burgh of Dumfermling upon the fourth Tuesday of August then next, and to endeavour to compose the differences amongst the inhabitants of the said burgh and to determine anent their griveances and report to the next annual convention. And accordingly George Drummond and Andrew Wardrop, commissioners for the burgh of Edinburgh, James Johnstoun, for Stirling, Mr David Monnypenny, for St Andrews, James Barclay, for Kirkaldie, John Cant, for Innerkeithing, Mr Patrick Erskin, for Culross, and George Hill for Queensferry, of the committee above named, haveing mett at the said burgh of Dumfermling upon the twenty-second day of August j^{m} vij^{c} and twenty-three years, reported to the present convention that after makeing choise of George Drummond to be their preses they did, in obedience to the remitt of the general convention the ninth of July last, fully consider the decreet arbitral j^{m} vj^{c} and eighteen and revised the records of councill produced to them for a good many years since that time anent their manner of election in order to discover if there was a just ground for the grivances complained of by the petitioners; thereafter the said committee endeavoured by a good many different propositions to compose amicably the differences that were amongst the inhabitants about their election, but matters were carryed so high upon the different sydes that this was lost labour, wherefor the said committee came to this resolution to lay the state of the burgh with respect to the rule and manner of election fully before the convention, being convinced that the rowine or prosperity of the burgh depended upon the measures taken to settle this affair. In the first place, they could find no other rule of election they pretended to but the above decreet arbitral, j^{m} vj^{c} and eighteen. As to the decreet it was plain, it could never have been intended by the pronouncers to be a compleat sett of the burgh but seemed purely calculated to settle matters betwixt the merchants and trades as to the number of their respective representatives in councill and with respect to their private economy in the exercise of their trade, &c., there having been great divisions, tumults, and animositys in the said burgh about these matters immediatly before that time, for which cause the decreet seemed to be a verry indistinct rule of election. The committee fand in the next place that notwithstanding by the decreet arbitral it is expressly ordained that the old and new councill consisting of thirty-tuo persons should choise the magistrats, baillies and other officers of burgh who are to bear rule for the ensueing year, yet it had been long the practise that the old councill, consisting of sexteen persons, doe meet upon the Saturnday before Michalmass and there choise the dean of gild and thesaurer for the ensueing year which in their oppinion was directly opposit to the meaning of the said decreet. The committee furder observed that albeit by the forsaid sett the old councill consisting of sexteen persons was appointed to choise the new councill consisting of the lyke number, yet the practise had long prevailled that upon the Saturnday thereafter the old councill meet and each member of it names a conjunct (the provost and eldest baillie excepted) and then removes to the door, upon which the councill votes whether the old member or his conjunct should be councillor for the ensueing year and soe goe on till the new and old councill be made up to the number of thirty-tuo persons, half merchants and half trades. The committee was of oppinion that the above conjuncts as they are called ought each of them to be chosen in a councill way agreeable to the meaning of the decreet arbitral, in regard each of the sexteen conjuncts tho' not elected to be councillors for the ensueing year have at present a vote in choiseing the provost and tuo baillies and ought by the decreet to have a vote in the election of the haill magistrats and office bearers, and this in virtue of their being named by single councillors as said is which seemed absurd to them. Upon the whole it appeared to them that this burgh had not a compleat sett to regulat the election of their councillors and magistrats, for notwithstanding the decreet arbitral made mention of a new councill of sixteen, which sexteen were chosen by way of conjuncts as said is, yet the old council were under the necessity of choiseing one of these conjuncts to be counsellors for the ensueing year, soe it was in the present councills power to re-elect themselves, both merchants and trades, to the day of their death without any change, for with respect to the trades representation in council no regard was had to the present deacons of the incorporations else this would necessitat a change in the members of council, because the deacons change once in the tuo years, but the present trades councillors according to their method might name for conjuncts such of their incorporations as might not rival themselves in the judgement of the electors, and they observed they were often continued; therefor the said committee were humbly of oppinion that this general convention should take the present circumstances of this burgh into their serious consideration and so to explain their decreet arbitrall as the council in all time comeing might have a distinct rule to govern themselves by in the election of their successors agreeable to the acts of parliament and burrows in such cases, whereby the faction

DUNFERMLINE.

Committee again appointed.

Commission by magistrates and council, 6 July 1724.

Petition of burgesses, June 1723.

that seemed to be growing there might be removed and peace and tranquillity might be cultivat amongst the inhabitants by having the offices of magistracy in the burgh ambulatory amongst the inhabitants in proportion to their merit and qualifications for such offices of trust. *Sic subscribitur:* Geo. Drummond, Edinburgh, Ja. Johnstoun for Stirling, John Cant for Innerkeithing, Da. Monypenny for St Andrews, James Barclay for Kirkaldy, Patrick Erskin, Culross, Geo. Hill, Queensferry; as the report bears. Which being read in presence of the convention upon the ninth of July instant, they again remitted to the burghs of Edinburgh, Stirling, St Andrews, Kirkaldie, Innerkeithing, Dumbarton, Culross, Sanquhar, and Queensferry, or the major part of them, to compose the differences betwixt the contending partys in the said burgh of Dumfermling. And accordingly the said committee having mett upon the said affair, compeared Robert and Mr John Walkers, present baillies of the said burgh of Dumfermling, George Crawford, present deacon conveener thereof, Captain Peter Halket of Pitfirren, younger, and David Dalgleish, weaver, all present toun councillors of the said burgh, who produced in presence of the committee a commission granted by the magistrats and toun councill of the said burgh, under the hand of the clerk and seall of the said burgh of Dumfermling, of the date the sixth day of July instant, impowering them to attend the convention in name of the town councill and to defend the magistrats against the forsaid petition and to doe every thing necessary with relation to the constitution of the said burgh that the magistrats and councill might doe if personally present, of which commission the tenor followes:—Att Dunfermline, the sixth day of July j^m vij^c and twenty four years, the which day, the magistrats and town councill of the burgh of Dunfermline did and hereby doe grant warrand and commission to Robert and Mr John Walkers, present baillies, George Crawford, present deacon conveener, Captain Peter Halket of Pitfirran, younger, and David Dalgleish, weaver, all present town councillors of the said burgh, or any one of them, for them, in their name and upon their behalf, to attend and wait upon the general convention of the royal burrows that is to meet at Edinburgh to morrow, with power to the said five commissioners or any one of them to attend all the dyets of the said convention and to answer for and defend the present magistrats and town council against the petition given in to the convention last year by John Walker, younger, weaver, or any other thing that may be proposed anent altering the decreet arbitral or the present constitution of this burgh, and to doe every other thing anent the said affair that the magistrats and council might doe if personally present. Extracted forth of the records of councill, and the seall of the burgh is hereto affixed by me, *Sic subscribitur:* And. Symson, clerk. Also compeared the said John Wilson, younger, weaver in the said burgh, and John Black, late deacon of the weavers of the said burgh, for themselves and in name of John Black, William Inglis, Adam Main, William (*blank*), John M‘Raich, Robert Barclay, James Reid, John Ker,

DUNFERMLINE.

William Hodge, John Potter, Thomas Williamson, James More, John Wilson, David Morison, Adam Neathry, Alexander Hart, Henry Donaldson, John Hanna, John Bowhill, John Graham, Henry Arnot, William Anderson, Alexander Young, Peter Creer, James Law, Thomas Bleak, James Henderson, Andrew Robeson, John Rea, Andrew Blackwood, George Inglis, James Young, William Kirk, Robert Bust, John Brown, George Simpson, Alexander Douglas, Patrick Wastwood, John Williamson, John Brown, James Wilson, Andrew Bowe, George Pearson, David Inglis, Mathew Hutton, David Potter, John Gibson, Patrick Hatton, John Kirk, David Malloch, John Richardson, Robert Main, James Hutton, William Inglis, Robert M'Raich, James Bain, William Brown, John Gollerston, younger, George Bust, Alexander Coupar, William Anderson, John Wilson, John Dunsyre, Andrew Main, James Inglis, John Davidson, John Haw, John Aitken, Thomas Richardson, John Gollerstone, William Brown, William Chalmers, William Anderson, David Wilson, James Thomson, Robert Gollerstonn, George Millar, James Bavorage, David Donaldson, James Bennet, James Nobell, John Ferguson, William Neilson, Thomas Kilpatrick, David Kilpatrick, elder, David Kilpatrick, younger, John Kilpatrick, Robert Kirk, John Dalgleish, Thomas Cusen, James Smith, James Belfrage, John Inglis, Andrew Bain, David Ferguson, Andrew Stevenson, John Gollerstoun, elder, Henry Mitchell, George Stark, Thomas Adamson, William Inglish, David Turnbull, Robert Smiton, James Cruikshanks, Andrew Moriee, David Black, James Wilson, Henry Smitoun, John White, Robert Durham, Robert Hoggans, Andrew Dewar, John Wilson, John Foldes, and James Turnbull, all burgesses of the said burgh and subscribers to a petition formerly given in by them to the lord provost, baillies, dean of gild, conveener, thesaurer, and remanent members of the said burgh of Dumfermling, dated the twenty and twenty first days of June j^m vij^c and twenty three, craveing ane act of the councill explaining the former decreet arbitral and to statut and appoint the form and manner of election of the magistrats and members of council in all time comeing agreeable to the acts of parliament made anent elections, or otherwise to refer the same to the then ensueing generall convention of burrows to be explained and directed by them according to justice, and for that end the forenamed persons did nominat and appoint John Black, late deacon of the weavers, and John Wilson, younger, weaver, Andrew Main, and James Belfrage, shoemakers, William and George Pearsons, wrights, all burgesses of the said burgh, or any one of them, to present the said petition and to prosecute the same *usque ad finem* as the petition bears; and also compeared Robert Anderson, merchant in Dumfermling, and produced a commission granted to him and the said John Wilson by several of the burgesses of the said burgh, dated the tenth day of July instant impowering them to compear before the convention and argue, reason and insist in the said matter, and to make ane intire and absolute submission of the interests of the said burgh and to doe every other thing therein

Commission by burgesses, 10 July 1724.

DUNFERMLINE.

which they could doe themselves if personally present, of which commission the tenor follows:—Wee, burgesses of the burgh of Dumfermling, subscriveing, being also concerned in and subscribers of a petition given in to the right honourable the general convention of the royal burrows craveing a rectification of grivances in the manner of carrying on the elections of magistrats and councillors of the said burgh and a settlement of such rules as may for the future facilitat the saids elections and secure the peace and quiet of the said burgh, and wee considering the uncertainty of the time when the honourable convention shall be pleased to take our petition under their consideration and give their determination therein, and it being expensive and troublesome to us to give our attendance att Edinburgh and leave our imployments and familys at home, and having sufficient and ample proof, fidelity, experience and dilligence of Robert Anderson, merchant in Dumfermling, and John Wilson, weaver there, and their honest and zealous concern for the good and advantage of the said burgh, doe hereby for ourselves, and in name and behalf of the remanent subscribers of the foresaid petition who are not hereto subscriveing, make, constitut and ordain the saids Robert Anderson and John Wilson our undoubted and irrevocable commissioners, agents and trustees for and in behalf of us and the saids remanent persons subscribers in the said matter depending, with power to them to compear before the said convention, and to argue, reason and insist, propone arguments and defences as shall be needfull in the said matter, as they shall think fitt; and if they shall think it reasonable and propper wee hereby give them full power to make ane intire and absolute submission of the interests of the said burgh in the said matter to the said honourable convention, and every other thing to do which they shall think expedient and which we ourselves might have done before the granting of thir presents, dispenseing with the generality forsaid and admitting the same to be as valid and sufficient as if every particular power hereby generally vested in them were distinctly set down, promiseing to hold the same firm and stable but revocation. In witnes whereof (written by Michael Ramsay, wryter in Edinburgh, we have subscribed thir presents, att Edinburgh, the tenth day of July j$^{\mathrm{m}}$ vij$^{\mathrm{c}}$ and twenty four years. *Sic subscribitur:* John Bell, William Walker, John Wilson, George Walls, John Gollerston, James French, James Smyth, Thomas Cussen, Andrew Robeson, Andrew Main, James Law, David Potter. Which powers and commissions being read in presence of the committee, and they having fully heard the said partys in the said affair, they reported to the convention that the said partys having frankly submitted their differences to the determination of the committee in a formal submission subscrived by them, and they having considered the former decreet arbitrall and sett of the burgh anno j$^{\mathrm{m}}$ vj$^{\mathrm{c}}$ and eighteen, did unanimously agree upon a new sett of the said burgh in time comeing and pronounced their decreet arbitral duly subscrived of the date hereof, which submission and decreet arbitrall being read in presence of the convention they unanimously approved

Report by committee of convention.

of the said decreet arbitral and appointed the same to be recorded amongst the other setts of the royal burrows to be the rule of their elections in all time comeing; and in case any difficulty happen at their next elections appointed the said burgh to represent the same to the annual committee impowered to sitt after dissolveing this present convention to give directions thereanent as they shall see cause. Of which submission and decreet arbitral the tenors follow :—

Submission between town council and inhabitants.

Wee, Robert and Mr John Walkers, present baillies of the burgh of Dumfermling, George Crawford, present deacon conveener, Captain Peter Halket of Pitfirren, younger, and David Dalgleish, weaver, all present toun councillors of the said burgh, for ourselves and as having power and commission from the magistrats and council of the said burgh of Dumfermling, conforme to ane act of the town councill of the said burgh dated the sixth day of July instant and as taking burden on us for them, on the one part, and John Black, late deacon of the weavers of the said burgh, and John Wilson, younger, weaver, there, for ourselves and as having power and commission from several of the burgesses and inhabitants of the said burgh, subscryvers to ane petition given in by them to the magistrats and councill of the said burgh, craveing ane explanation and rectification of the sett thereof, dated the twenty and twenty first days of June j^{m} vij^{c} and twenty three years, and as takeing burden on us for the haill other burgesses and inhabitants of the said burgh, on the other part, and also Robert Anderson, merchant in Dumfermling, for himself and in name of his constituents the burgesses of the said burgh subscriveing to a commission of the date of thir presents; have submitted and referred and hereby submitt and refer to the final decision and decreet arbitral of George Drummond, commissioner for the burgh of Edinburgh to the general convention of burrows now mett there, Doctor James Johnstoun, assessor to the commissioner for the burgh of Stirling, Patrick Lindsay, assessor to the commissioner for the burgh of St Andrews, James Barclay, commissioner for the burgh of Kirkaldie, Henry Cunningham of Boequhan, commissioner for Innerkeithing, Archibald M'Aulay, assessor to the commissioner for the burgh of Dumbarton, Mr Patrick Erskin, commissioner for Culross, George Irving, commissioner for Sanquhar, and George Hill, commissioner for Queensferry, or of the major part of them (being ane committee of the said convention of burrows appointed to compose our differences) all matters and differences debateable betwixt us anent the way and manner of election of the magistrats, office bearers and councillors of the said burgh of Dumfermling, and particularly the sett and decreet arbitral of the said burgh, with power to them to make such explanations or alterations of the said sett and to lay down such rules and directions for regulating the elections of the said burgh in time comeing as they shall think fitt, and whatever the said arbitrators or the major part of them shall determine thereanent, wee bind and oblige us and our constituents to stand to and acquiesce in, and inviolably observe the same in all time comeing, under the penalty of four thousand merks Scots money to be payed by the party failyieing to the party observing or willing thereto by and attour performance, consenting to the registration hereof and decreet to follow hereon in the records of the convention of burrows and books of councill and session, therein to remain for conservation, and if need bees to have the strength of ane decreet interponed thereto that letters of horning on six days and all other execution necessar may pass thereupon in form as effeirs, and thereto constitute (*blank*) our procurators, &c. In witnes whereof, wee have subscribed thir presents (written by Andrew Jackson, wryter in Edinburgh, on stamped paper at Edinburgh, the tenth day of July one thousand seven hundred and twenty four years, before these witnesses James Nasmyth, deput town clerk of Edinburgh, Archibald Blair, writter there, and the said Andrew Jackson, witnesses also to the signing the marginal note. *Sic subscribitur:* A. Walker, Jo. Walker, George Crawford, Peter Halket, Da. Dalgleish, Robt. Anderson, John Black, John Wilson, J. Nasmyth, witnes, Archd. Blair, witnes.

Decreet-arbitral.

Follows the decreet-arbitrall on the back of the said submission: Att Edinburgh, the thirteenth day of July one thousand seven hundred and twenty four years, wee, George Drummond, commissioner for the city of Edinburgh, Doctor James Johnstoun, assessor for the burgh of Stirling, Patrick Lindsay, assessor for the burgh of St Andrews, James Barclay, commissioner for the burgh of Kirkaldie, Henry Cunningham, commissioner for the burgh of Innerkeithing, Archibald M'Aulay, assessor for the burgh of Dumbarton, Patrick Erskin, commissioner for the burgh of Culross, and George Irving, commissioner for the burgh of Sanquhar, the committee of the general convention of royal burrows and arbitrators within named and designed, having fully considered the whole matters and things within specified to us committed by the said general convention and to us submitted by the within named partys on behalf of themselves and constituents, having likeways considered the said general convention their proceedings touching the premisses, with the former act of sett, and having fully heard the partys submitting, and having God and a good conscience before our eyes, wee unanimously give and pronounce our decreet arbitrall in manner following:—For avoiding all disputes that may arise touching the administration and government of the burgh of Dumfermling till the next elections of magistrats and council be proceeded in according to the rules hereby appointed, and touching the persons who shall have the administration and government of that burgh annually thereafter, their numbers, their powers and times and manner of their elections, wee decern and ordain

1$^{mo.}$ That the present councill of the said burgh, consisting of sexteen persons, viz., the provost, tuo baillies, dean of gild, thesaurer, four merchants, and seven craftsmen, shall continue to have administration and government of the said burgh till the next election of magistrats and councill hereby appointed to take place.

2$^{do.}$ That in the next and all succeeding elections none shall be capable to be elected to the office of provost or old provost but such persons as shall be either merchants or gildbrether of the burgh; that none shall be capable to be elected to the office of baillie, dean of gild or thesaurer, old baillies, old dean of gild, old thesaurer, or to be of the merchant councill, but such persons as are merchants or gild brether of the burgh, resideing and bearing scott and lott in the place; and that no craftsmen shall be capable to be on the councill but such persons as are burgesses freemen of the burgh residing in the place, hand labourers in their crafts and bearing scott and lott there.

3^tio. That by the next and all succeeding elections hereby appointed, the magistrats and ordinary councill of the burgh shall consist of twenty tuo persons, viz., a provost, tuo baillies, a dean of gild, a thesaurer, ane old provost, tuo old baillies, ane old dean of gild and ane old thesaurer, tuo merchants, and tuo trades councillors, and eight deacons of crafts, to be elected according to the rules hereby made, who shall have the administration and government of the burgh vested in them alone, except at the annuall elections of magistrats when to them shall be joined four extraordinar councillors, viz., two merchants and tuo trades according to the directions hereby given.

4^to. For preventing inconveniencys that may arise to the burgh by baillies, deans of gild, thesaurers and others having it in their power to continue themselves in their offices or on the council without any limitation, and for establishing harmony and friendship among the council and whole community, it is hereby appointed that no person shall be capable to be continued in the office of baillie for more as tuo years together, and shall not be capable to continue on the councill for more as one year longer in the character of old baillie untill he be one year out of the council, unless he be elected to the office of dean of gild or provost; that no person shall be capable to be continued in the office of dean of gild for more as tuo years together and shall not be capable to continue on the councill for more as one year longer in the character of old dean of gild untill he be one year out of the councill, unless he be elected to the office of a baillie or provost; that no person shall be capable to be continued in the office of a thesaurer for more as tuo years together, and shall not be capable to continue on the councill for more as one year longer in the character of old thesaurer until he be one year out of the council, unless it shall happen that his accompts are stated and no ballance resting by him to the burgh and that he shall be elected to the office of a baillie or dean of gild; that no craftsman shall be capable to be on the ordinary councill as a new or old trades councillor for more as three years together until he be one year out of the council; that no craftsman shall be capable of being elected a deacon for more as tuo years together untill he be one year out of that office; and that no merchant shall be capable to continue on the ordinary council as a merchant councillor (without ane office or other character) for more as tuo years together.

5^to. For preventing of strife and faction, the present magistrats and councill, consisting of said sixteen persons, shall on Thursday preceeding Michaelmass

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next proceed to the first steps of their next annual election and shall on Monday immediatly thereafter finish and conclude the same, conform to the rules herein laid down, and that all succeeding magistrats and councills hereby established shall annually thereafter on the Thursday preceeding Michaelmass proceed in the steps of their annuall elections and shall finish and conclude the same on the Munday thereafter according to the directions herein given.

6to. That on Thursday preceeding Michaelmiss next the present magistrats and councill, consisting of said sexteen persons, shall give notise to and appoint the present deacons of the eight incorporations following, viz., smiths, weavers, wrights, taylors, shoemakers, baxters, masons, and fleshers to assemble their corporations at their respective usuall places of meeting the same day, and there and then each of the said corporations to make and conclude on a leet or list of four of their own number of best character, most expert hand labourers in their craft, burgeses and freemen of the burgh, and bearing scott and lott there, and on the same day to deliver these leets or lists to the provost or eldest magistrat in office on the place for the time.

7mo. That on Friday thereafter (whether it shall happen to be Michaelmiss day or not) the said present magistrats and councill shall conveen and shall proceed to examine the said leets or lists, and out of each of the saids leets or lists shall make choise of tuo persons, and shall deliver to each of the said present deacons or their corporations respective a list of the foresaid tuo persons, and the said corporations with their said deacons shall be obliged to assemble the same day at their said usuall places of meeting and to elect one of the aforsaid tuo persons to be their deacon for the year ensueing, and the old deacons with some of the masters of their crafts shall present the new deacons to the magistrats and councill on the Saturnday immediately thereafter.

8vo. That on the same Saturnday (whether it shall happen to be Michaelmass day or not) the saids present magistrats and councill, consisting of sexteen persons as aforesaid, shall assemble and shall elect and choise tuo merchants and tuo trades councillours for the ensueing year, and for filling up the ordinary and extraordinary councill according to the third rule herein laid down shall elect and choise three merchants in the character of old merchant councillours and tuo craftsmen in the character of old trades councillors, and immediately thereafter the same day, such of the present seven trades councillours as shall not be continued in the councill by a new office or character shall be removed from the councill dureing the year ensueing, and the eight new deacons to be chosen and presented as above shall be admitted and received as members of the councill dureing the ensueing year.

9no. That on Munday immediately thereafter, the said provost, tuo baillies, dean of gild, thesaurer, nine merchants and four trades councillours, old and new, with the eight new deacons, making twenty sex persons, shall conveen and shall out of the number of merchants on the councill, exclusive of the tuo new merchant councillours, elect and choise a provost, tuo baillies, a dean of gild, a thesaurer, an old provost, tuo old baillies, an old dean of gild and ane old thesaurer for the ensueing year.

10$^{mo.}$ That how soon the choise of the said five new and five old magistrats shall be made as aforesaid the four extraordinary councillors, viz., tuo of the merchants who shall not be of the aforesaid new merchant councill or who shall not be chosen to the office of a new or old magistrat, and the tuo craftsmen who are in the character of tuo old trades councillors, shall be removed from the councill, the number of the ordinary councill being always to be only twenty tuo persons, who are to have the government and administration of the burgh alone, except at the elections of magistrats in manner above provyded.

11$^{mo.}$ That annually thereafter on the Thursday preceeding Michaelmiss the said ordinary councill, consisting of twenty tuo persons, viz., the provost, tuo baillies, dean of gild, thesaurer, old provost, tuo old baillies, old dean of gild, old thesaurer, tuo merchant and tuo trades councillours, with the eight deacons of crafts, shall conveen and shall appoint the foresaid eight corporations to assemble that day, and each of them to make a leet and to deliver these lects the same day to the provost or eldest magistrat on the place for the time precisely in the manner directed in the above sexth article.

12$^{mo.}$ That annually on the Friday thereafter the said ordinary councill shall conveen and shall elect tuo persons out of each of the said eight leets, and that same day shall deliver to each of the said corporations the respective lists of the forsaid tuo persons, also that the same day the said corporations shall be oblidged to assemble respectively and to choise one of these tuo persons to be given them in a list from the councill as their deacon for the ensueing year, and to present the new deacons to the magistrats and councill on the Saturnday thereafter precisely in the manner directed by the above seventh article.

13$^{tio.}$ That on the Saturnday annually after the election of the said deacons the said ordinary councill of twenty tuo persons shall conveen and shall elect and choise tuo new merchant councellours and tuo craftsmen either as tuo new trades councellours or in the character of tuo old ones, and immediately thereafter the same day shall remove such of the said eight councill deacons as shall not be of the new councill deacons and shall receive and admitt the eight new councill deacons as members of the councill during the ensueing year.

14$^{to.}$ That annually on the Munday thereafter the ordinary and extraordinary councill, consisting of twenty-six persons, viz., the provost, two baillies, dean of gild, thesaurer, old provost, two old baillies, old dean of gild, old thesaurer, four merchants and four trades councillors, with eight new deacons of crafts, shall conveen, and out of the number of merchants on the council, exclusive of the two new merchant councellours, shall elect and choise a provost, two baillies, a dean of gild, a thesaurer, an old provost, two old baillies, ane old dean, and ane old thesaurer for the year ensueing.

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15$^{to.}$ That how soon the choice of the new and old magistrats shall be annually made the four extraordinary councellours shall be removed from the ordinary councill in the same manner as in the above tenth article is provided to be done after the next election of magistrats.

16$^{to.}$ That if at any of the dyets hereby appointed for the next annual election, or at any of the dyets of all succeeding annual elections, any member of the ordinary or extraordinary councill shall happen to be absent, the present and succeeding councills shall supply such absents by choiseing merchants as proxies for such absent merchants or craftsmen as proxies for such absent craftsmen, or where a vacancy shall happen by death or otherways, the present and succeeding councills shall supply the same by electing a merchant in place of a merchant and a craftsman in place of a craftsman.

17$^{mo.}$ For establishing harmony and tranquillity in the burgh and for preventing inconveniencys that may arise from caballing and faction, all meetings and convocations of merchants among themselves, or of craftsmen among themselves, or with their deacons, or of the deacons among themselves, for canvassing or treating on any part of the administration of the burgh, especially touching any part of the annual elections, are hereby expressly discharged, provyded nevertheless that the dean of gild may assemble his brethern for doing of their own affairs according to the laws of the gildrie, and that each of the said eight crafts may conveen by themselves at their usuall places of meeting for leeting and choiseing their deacons at the times hereby appointed, and for makeing of masters, receiving of prentises for tryal of their handy work, and for manadgeing their common stocks allenarly.

18$^{vo.}$ For preventing mischeiffs that may arise from concerts or engagments that may be made or entered into by such of the councill as are merchants among themselves, or by such of the councill as are craftsmen among themselves, for influencing or carrying all or any part of ane election out of the regular way, known by the name of chapeling, whereby members are not at liberty to proceed according to their consciences but according to the oppinion of a majority were it never so wrong, therefor all such concerts, engagements and chapeling, are hereby expressly discharged and declared to be a manifest transgression of thir presents, and the said present and succeeding magistrats and councill are hereby required and appointed to proceed in every step of the next and succeeding annual elections precisely according to the rules here laid down, with concord and harmony, and to have always in their view the peace and prosperity of the burgh.

19$^{mo.}$ For preventing any dispute that may arise among the members of the councill touching precedency in the councill or elsewhere, by reason of the alterations in their constitution hereby made, it is hereby determined that in the councill rolls the provost shall be first called, the tuo baillies according to their seniority next, the dean of gild next, the thesaurers next, that the same rule shall be observed among the fyve old magistrats, that the tuo merchant councel-

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lors shall according to their seniority be called next to the old thesaurer, the tuo trades councillors according to their seniority shall be called next, and the eight councill deacons shall be called next, in the following order, viz., smyth, weaver, wright, tayleor, shoemaker, baxter, mason and flesher, and that this regulation concerning precedency in the councill shall take place touching the same every where.

$20^{mo.}$ And wee the saids arbiters doe hereby declair that the former decreet arbitral pronounced by the royal burrows the tenth day of July j^{m} vj^{c} and eighteen years shall remain in full force except in so far as it is hereby varied from and altered, and we hereby decern and ordain the partys submitting and their constituents to make these presents their rule in every matter and thing relating to the election of their magistrats and councill, and to perform and fulfill the same under the penalty mentioned in the forsaid submission, and wee appoint that thir presents may be registrat and that execution may be issued hereon in manner as is provided in the forsaid submission. In witnes whereof (written on stampt paper by William Vassie, servitor to the said George Irving,) wee have signed these presents, place, day, moneth and year of God forsaid, before these witnesses John Cant, clerk of Inverkeithing, and the said William Vassie, witnesses also to the tuo marginal notes written by the said William Vassie and signed by the said George Drummond at our appointment. *Sic subscribitur :* Geo. Drummond, Ja. Johnston, P. Lindsay, James Barclay, Hew Cunninghame, Patrick Erskine, Arch. M'Aulay, Geo. Irving, Jon. Cant, witnes, Will. Vassie, witnes.

Acts of annual committee,

Follows the subsequent acts of the annual committee of the royal burrows relative to the foregoing decreet arbitral appointed to be recorded by act the 10th July 1725 :—

25 Aug. 1724.

Edinburgh the twenty-fifth of August one thousand seven hundred and twenty-four years. The which day, the preses of the annual committee laid before them ane letter to him from Captain Peter Halket, one of the councill of the burgh of Dumfermling, praying in their name that the annual committee would be pleased to explain the sexth article of the sett and decreet arbitral of the said burgh anent the persons who are capable of voteing in the makeing of leits for deacons or voteing in the elections of deacons, which being read in presence of the committee, and they having considered the sett and decreet arbitral of the said burgh, it is their unanimous oppinion that none are qualified or can be allowed to vote in makeing of the leets for deacons or to vote in electing the deacons of the said burgh except such persons as are burgeses freemen of the said burgh, resideing in the place, hand labourers in their crafts, and bearing scott and lott in the burgh; and appoint the same to be strickly observed in the ensueing elections for deacons in the said burgh. *Sic subscribitur:* Geo. Drummond, preses, P. Lindsay, St Andrews, Geo. Irving for Sanquhar, Arch. M'Aulay for Dumbartoun.

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Annual committee, 17 September 1724.

Follows ane other act of the annual committee also appointed to be recorded relative to the new sett of the said burgh :—Edinburgh, the seventeen day of September one thousand seven hundred and twenty four years. The which day, the preses of the annual committee laid before them two several letters, one from Robert and Mr John Walkers, present baillies of the burgh of Dumfermling, in name of the town council of the said burgh, dated the twelveth instant, and the other from John Wilson and Robert Anderson in Dumfermling, dated the seventh instant, both praying that the annual committee would be pleased to send one or two of their number to the said burgh of Dumfermling on Wednesday the twenty third instant to oversee the ensueing elections in the said burgh and to explain what parts of the new decreet arbitral and sett of the said burgh may happen to be contraverted, that the said elections may be carryed on according to the true meaning of the said decreet arbitral and the peace of the burgh may be established in all time comeing; which being read in presence of the committee, they appoint Archibald M'Aulay, assessor for the burgh of Dumbartoun, George Irving, commissioner for the burgh of Sanquhar, and John Hogg, assessor for the burgh of Campbletoun, or any two of them, as a sub-committee, to meet at the said burgh of Dumfermling upon Wednesday next being the twenty third instant, whom they authorize and impower to determine all differences that may happen in the said elections agreeable to the meaning and intent of the said decreet arbitral, that the peace of the said burgh may be established in time coming; and ordain all persons concerned in the said elections to give ready obedience to what the said sub-committee shall soe determine, conforme to the powers given to the annual committee by the fourty second act of the last general convention. *Sic subscribitur:* Geo. Drummond, preses, Geo. Irving for Sanquhar, T. Nimmo for Inverarie, Arch. M'Aulay for Dumbarton.

Sub-committee, 10 July 1725.

Follows the proceedings of the sub-committee above named and ane act of the annual committee approveing therof also appointed to be recorded :—Edinburgh the tenth day of July one thousand seven hundred and twenty five years. The which day, in presence of the annual committee, the committee appointed to oversee the elections at the burgh of Dumfermling in September last reported that they had mett at the said burgh upon the twenty third day of the said moneth, and after reading the appointment of the annual committee to the magistrats of the said burgh, Robert Walker, one of the then present baillies thereof, produced to them a paper subscrived by him as specially impowered by ane act of councill of the said burgh containing seven queries touching the sense and meaning of the late act of sett authorized by the convention of burrows for the said burgh; as also Robert Anderson, merchant in the said burgh, and William Walker, then present deacon of the shoemakers, appeared for themselves and on behalf of the other craftsmen of Dumfermling and others who were partys with the magistrats and town councill in the submission whereon the said act of sett proceeded, and produced to the subcommittee a paper subscrived by them containing ten queries also touching the sense and import of the said act of sett, to all which queries they, the committee mett at the said burgh of Dumfermling, did then give their oppinion and answers in wryteing; and which several queries with the oppinion of the subcommittee thereanent being this day read in presence of the annual committee they find that the answers given by the subcommittee to the several queries above mentioned are agreeable to the new sett appointed for the said burgh of Dumfermling and to the true meaning and intent thereof, and therefor the annual committee approve of the oppinion and report of the said subcommittee thereanent, and appoint the said queries and proceedings of the subcommittee, with the acts relative thereto, to be recorded in the register appointed for the setts of the royal burrows, and extracts thereof to be given out to all partys concerned who shall require the same, and of which queries and answers the tenor follows:—

Queries by magistrates and council.

Queries offered to the sub-committee of the royal burrows by the town council of Dumfermling.

1. In case of the death of a provost or old provost in ane intervall betwixt elections, *quæritur* if the ordinary councill for the time may not choise a provost or ane old provost in their roume to bear these offices till the Michalmass next thereafter, the provost or old provost so chosen being only merchant or gild brother of the burgh.

2. In case a provost or old provost be absent at any meeting of the councill, *quæritur* if the councill may not choise a proxie to vote for them in their absence tho the proxie have no other qualifications but of being either merchant or gild-brother of the burgh.

By the decreet arbitral none can be elected on the leet of four nor elected deacon of a craft but hand labourers in their craft, and by the act of the annual committee none can be allowed to vote in the leet for deacons nor for deacons but hand labourers in their craft.

3. *Quæritur, primo.* If ane burges and freeman of a craft who is inhabitant and pays cess though he was never capable to work in that craft or who never exerced that craft can be reckoned a hand labourer in that craft soe as to be qualify'd to vote in the election of deacons or to be chosen a deacon.

4. *Quæritur, secundo.* If a burges or freeman of a craft who is inhabitant and pays cess and is capable to work in that craft and actually exercised that craft for several years tho he doe not now work at his craft can still be reckoned a hand labourer soe as to be qualifyd to vote in the election of deacons or to be chosen a deacon.

5. *Quæritur.* If a burges and a freeman of a craft who is inhabitant and hand labourer in his craft but is a militia man of the burgh can be allowed to vote in the election of a deacon or can be chosen a deacon.

6. In case any contraversy shall happen anent the qualifications of the

voters at the election of the leet of four, or at the elections of deacons, soe as to occasion a contraverted election, *quæritur* whether the conveener court as was formerly usuall or in case of appeal from them the magistrats and councill shall summarily decide the contraversy.

7. David Dalgleish and Andrew Duncan complain that they and some other craftsmen have been (by a vote of their respective corporations) turn'd off their trade and not allowed to meet with them or vote in their affairs for no reason but their owning their conveener and the deacons and conjuncts whom the committee of the convention of burrows found duely elected, and they being informed that they are to be debarred from a vote at the ensueing election of deacons and leet for deacons, *quæritur* whether they can be justly debarred from their free vote; and its humbly desired the honourable committee may order the rectification of such abuses.

Sic subscribitur: R. Walker, Clerk.

Queries by Robert Anderson and William Walker.

Queries upon the new sett of the burgh of Dumfermling to be laid before the committee of the general convention of the royal burrows by Robert Anderson and William Walker.

Primo. *Quæritur,* if or not by the second article of the sett the electors of present and old provost are allowed to extend these offices to persons without the burgh and to the electing of baillies who are not merchants and actuall traficters within the burgh, contrair to the act James 4th, parliament 6th, cap. 80th, and James 6th, parliament 20th, Cap. 8th.

Secundo. If a provost or old provost may be continued dureing life or what number of years.

Tertio. Anent the fourth article, *queritur* how many years a merchant counsellour may continue on the councill and if or not they may circulat the offices of magistracy amongst themselves; and if there is a necessity that some of the merchant councillours goe off the councill annually, *queritur* how many and how and after what manner they are to be voted out and others elected in their roume.

As to the explanation of the sixth article dated 25th August 1724, by which its provyded that none are qualify'd or can be allowed to vote in makeing of the leits for deacons or to vote in the electing of deacons except burgeses freemen of the burgh resideing therein hand labourers in their crafts and bearing scott and lott,—

1°. Seeing dyers, glovers, glasiers, sclaiters and saidlers, are none of them distinct incorporations, nor are any of them restricted to enter with a particular trade but may exerce their handy crafts within the burgh without being entered with any corporation, *queritur* if any of those who are entered with a particular corporation can be allowed to vote in the electing of a deacon for that trade with whom they are incorporat.

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2°. *Queritur* if militia men who are actuall tradesmen are capable to elect or be elected deacon.

3°. *Queritur* if the town officers are capable to elect, &c.

4°. If the town customer is capable to elect, &c.

5°. If persons who for ordinary receive charity for the subsistance of their familys are capable to elect.

6°. If persons who have formerly laid asyde their trade and who have no shops of their own and who work in their neighbours shops now and then to obtain a vote at the elections are capable to elect.

7°. If the votes run equall in makeing up of the leets or electing of a deacon, *queritur* how the same shall be determined; and if the present deacon, who may be supposed a party is to have the first vote of the trade and likewise the decisive vote in case of an equality.

8°. If ane actuall tradesman who is liveing in family with his father is capable to elect.

9°. Whereas by the sixteenth article it is provyded that in case a vacancy shall happen by death or otherways, the present and succeeding councill shall supply the same by electing a merchant in place of a merchant and a craftsman in place of a craftsman, *queritur* in case a deacon shall happen to dye if the council shall choise a deacon for that corporation for the rest of the year then to run.

10mo. If a person who is absent can substitut by a write under his hand to vote in his stead, or to leave his vote in wryte.

Sic subscribitur: ROBT. ANDERSON, WILLIAM WALKER.

Opinion and answers of sub-committee.

Follows the oppinion and answers of the sub-committee of the royal burrows, mett at the burgh of Dumfermling, upon the twenty-third day of September 1724, to the foregoing queries.

The which day, the said sub-committee having fully considered the act of sett of the said burgh, with the act of the annual committee relative thereto dated the twenty-fifth day of August, together with the queries offered by the magistrats and toun councill doe find

1°. That on the event of the death of a provost or old provost in the intervals betwixt elections, their offices may be supply'd, the provost by the ordinary and extraordinary councill, consisting of twenty-sex persons, that is tuo baillies, dean of gild, thesaurer, old provost, two old baillies, old dean of gild, old thesaurer, two merchant and two trades councillors, two old merchant and two old trades councillors who voted in the election immediatly preceeding, or proxies in case of any of their absence or death, a proxie for the provost deceast, together with the eight deacons of crafts.

The old provost may be elected by the ordinary councill or their quorum.

DUNFERMLINE. That no other qualifications are necessary to these than the qualifications directed by act of sett which is that they be either merchant or gildbrother.

2°. That the absence of a provost or old provost at any meeting of the councill, other than the meetings appointed by the act of sett for the different steps of the annual election, needs not to be supply'd by a proxie; that at the meetings appointed for the different steps of the annual elections the absence of any member must be supply'd by a proxie, who must be qualify'd according to the qualifications required by the act of sett to be in the person whom he represents.

3°. That all such persons who are named in the sealls of causes granted to the several incorporations, and who reside and bear scott and lott, must be deemed members and capable of electing or being elected a deacon, they being in the real exercise of the imployment or craft which they exercised at the granting of the seals of cause.

4°. That all craftsmen dureing their not being in the reall exercise of their craft, or in the exercise of the imployment which they exercised when the sealls of cause were granted, tho' residing and bearing scott and lott, are incapable of electing or being elected.

5°. That such craftsmen as are militia men are incapable of electing or being elected deacon, because they bear no scott nor lott, are servants to the burgh and presumed to be under the influence of the magistrats and councill.

6°. That the decision of all contraversies that shall arise touching the leeting for or electing of deacons belongs to the magistrats and councill and not to the deacon conveeners court as formerly.

7°. That the cognizance of the complaint entered by David Dalgleish and Andrew Duncan does not appear to be comprehended under the powers granted to the sub-committee. However, since their oppinion thereof is asked, they humbly think that the said David Dalgleish and Andrew Duncan their adherance to their conveener and his court is no reason relevant to infer a deprivation of their titles to be members of their incorporations but that their incorporations procedure against them therein is illegal and unwarrantable and that they have still a right of electing or being elected deacons.

And the sub-committee haveing also considered the foresaid queries offered by the said Robert Anderson and William Walker, with the foresaid act of sett and act of the annual committee, they find

1°. That by the second article of sett any person who is a merchant or gildbrother, tho' he doe not reside, is capable of being elected provost or old provost; that no person is capable to be elected to the office of a baillie but he who is merchant or gildbrother residing and bearing scott and lott.

2°. That a provost or old provost must be annually elected, but there is no limitation as to the time of their continuance in these offices.

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3. That merchant councillors must be annually chosen and cannot continue on the councill as such longer than two years together; that they are capable to be chosen to the office of new or old magistrat, under the limitations and directions mentioned in the said act of sett; that two merchants who are not new merchant councillors, and who are not elected to the office of ane old or new magistrat, must goe off the councill annually so soon as the annual elections of magistrats and old magistrats are finisht in the manner directed by the tenth article of the sett.

4. That such persons as are dyers, glovers, glasiers, sclaiters, saidlers, or of imployments other than the eight incorporat crafts or deaconrys, who are originally members of these crafts by being named in the sealls of causes granted to them and who are in the real exercise of these other imployments which they exercised when the sealls of cause were granted and who reside and bear scott and lott, are capable of electing and being elected deacons; that all other persons who are of imployments different from the craft wherein they are entered members, and who are not named in the sealls of causes, are incapable of electing or being elected deacon because these sealls of causes doe not authorize the incorporations to assume members who are not of their own craft and imployment.

5. That militia men and town officers are incapable of electing or being elected a deacon, tho' actual craftsmen, dureing their holding of these offices, because they are presumed to be under the influence of the magistrats and councill; that James Walker, present deacon of the wrights and present taxman of the towns customs, may conveen his incorporation in order to make a leet for and electing of a deacon according to the rules laid down by the act of sett, but that he nor no other tradesman while they collect or farm the towns customs should be capable hereafter to be leited for or elected a deacon or to be a trades councillor but only should be capable to vote in the leiting and electing a deacon; that persons who are indigent and in use to receave charity are incapable of electing or being elected deacons while they continue in these circumstances.

6°. That a craftsman while he has laid asyde the exercise of his craft is incapable of electing or being elected a deacon; that while a craftsman has not a shop of his own wherein he works for at least the space of three months preceeding ane annual election and is not stented for his trade must be presumed to have laid asyde his craft.

7°. That the deacon in leiting for or electing of a deacon vote first, and when the votes run equall that the deacon should have also the decisive vote, that the late deacon in absence of the present deacon shall assemble his incorporation for leiting and electing as aforsaid and shall preside and act as deacon and have the decisive vote in case of ane equality of votes as the deacon.

8°. That a craftsman liveing in family with his father, and who is in the

DUNFERMLINE. real exercise of his craft and stented therefor, is capable of electing or being elected deacon.

9°. That on the death of a deacon, the old deacon or boxmaster should conveen his incorporation and make a leit of four and deliver the same in to the councill that the councill should choise two out of that four, that the incorporation should choise a deacon out of that two who is to be receaved in the terms of the act of sett for the remaining space of that year.

10mo. That no member of the councill, ordinary or extraordinary, can supply his own absence by his appointing a proxie for himself, but the absence of any member in any steps of the annual elections must be supplyed by a proxie to be appointed by the councill, according to the directions in the act of sett.

And the sub-committee recommended unity and harmony to all the persons concerned, as they regaurded the peace and welfare of their burgh.

Sic subscribitur: Archd. M'Aulay for Dumbarton, Geo. Irving for Sanquhar.

INVERKEITHING.

BURGH OF INVERKEITHING.*

Follows ane act of the royal burrows appointing five deacons of the incorporations of Inverkeithing to be admitted as councillors of the said burgh *ex officio* in time comeing, appointed to be recorded with the setts of burghs royal:—

Edinburgh, the seventh day of July one thousand seven hundred and fourty tuo years.

The which day, in the general convention of the royal burrows of Scotland, the committee to whom the petition given in by Andrew Tulloch and other deacons of the incorporations of the town of Innerkeithing was remitted, reported that they having considered the same and also having seen a petition from the dean of gild and ane extract from the gild court books, all craveing that the five deacons of crafts, viz., hammermen, weavers, baxters, tayleors, and shoemakers, might be admitted councillors of the said burgh of Innerkeithing yearly *ex officio*, they were of oppinion that the convention should ratify and approve of the same under the provisions following, which is in the terms of the dean of gilds and gildry their petition, viz., that the saids deacons shall have no conveener; *secundo*, that the number of gild councillors should exceed the number of trades councillors; and, *tertio*, that the deacons hereafter to be elected shall be elected conform to the set of the burgh in all points. Which report being considered by the convention, they approve of the report and appoint this act to be recorded with the other sets of the burrows after dissolving this convention.

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* See sett of the burgh of Inverkeithing, *antea*, p. 193.

BURGH OF GLASGOW.*

GLASGOW.

Act of the royal burrows ratiefying some regulations, alterations and amendments in the sett of the Burgh of Glasgow.

In the general convention of the royal burrows of Scotland, holden at the burgh of Edinburgh upon the fifth day of July j^{m} vij^{c} and fourty eight years, by the commissioners therein conveened. The which day, John Murdoch, esquire, commissioner for Glasgow, presented a petition to the convention in name of the magistrats and town council of Glasgow, shewing that they had agreed on certain regulations for altering and amending the sett of the said burgh, which had been communicated to the merchants and trades houses there, an extract of which was put into the clerks hands with the said petition, and therefore craving the convention would consider the saids regulations and interpose their sanction thereto and appoint them to be recorded agreeable to the rules and practise of the convention, which being considered by the convention they remitted the same to the burghs of Edinburgh, Perth, Dundee, Aberdeen, Stirling, Montrose and Dumfries to consider the saids regulations, and they to report against next sederunt, and accordinglie the committee abovenamed, appointed to consider the alterations and amendments proposed by the town of Glasgow to be made upon their sett and constitution, reported that they having maturely considered the regulations contained in an extracted act of the town council of Glasgow, dated the fifteenth day of Aprile last, containing some variations of the sett of their town and constitution, were of opinion that the same were agreeable to law and conducive to the interest of that burgh, and therefore recommended to the convention to interpose their authority for makeing the same effectual and to appoint the clerks to record the saids regulations in the books of the general convention and declare them a part of the sett and constitution of the city of Glasgow in time comeing; which being considered by the convention they approved and hereby approve of the committees report and appoint the saids regulations to be recorded in the book keept for recording the setts of the royal burrows, as also in the books of the general convention immediately after the riseing of this convention, and declared and hereby declare the same to be a part of the sett and constitution of the town of Glasgow and they to proceed accordinglie in time comeing; which regulations and alterations are accordingly recorded both in the book keept for recording the setts of the royal burrows and in the books of the general convention and of which the tenor follows :—Att Glasgow, the fifteenth day of Aprile one thousand seven hundred and fourty eight years, the which day, the magistrats and town council conveened, the committee nominate by a former act dated the eight of April instant for considering what alterations and amendments may be proper to be made in the sett of the town, reported that the constitution of the town council of Glasgow has been long complained of as having a tendency to continue the government of the city in a particular sett longer than may be for the publick interest, there being sometimes difficulty to get the more creditable burgesses to accept of offices, and time and experience having discovered sundry defects in the former constitution, the following alterations and amendments are humbly submitted and reported by the committee to whom this affair has been remitted, to take effect at Michaelmass 1748 and to be observed in all time comeing, viz. :—

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* See sett of the burgh of Glasgow, *antea*, p. 171.

Regulation first. That the late provost and baillies and the last elected dean of gild and deacon conveener shall necessarily continue and be of the ordinary council without election the year after their having been in or exerced their respective offices.

Regulation 2d. That the two senior merchant and two senior trades councillors not being in the magistracy (excepting always the last years provost and baillies, together with the last elected dean of gild and conveener) shall necessarily be disqualified annually from being in the council for the space of three years allenarly, and that the like number of the same rank be chosen or filled up in their places at the time and in the manner to be condescended on in the immediatly subsequent article, but in regard hitherto the number of new members brought yearly into the council has not been fixed or uniform and that three or more of the present members of one rank may decline accepting the office of councilor, for compelling of whom there is at present no provision, and that hereafter some of the senior councilors foresaid by being in the office of magistracy, or having been magistrates, dean of gild or deacon conveener the preceeding year, may be necessary or constituent members of the council, whereby it shall happen that there may be only one merchant or trades councilor exclusive of the necessary members above said older elected than all the rest of his rank, and that after his being disqualified there may be two or more of that rank who have been equally long in council, or it may happen that three or more councilors of the same rank have been brought in at one election, it is provided that so oft as any of these cases or cases of the like nature shall occurr, when only part of the councilours elected at one time need to be dropt in order to make up the number of two of each rank necessary to be disqualified as above, it shall be in the power of the twelve electors hereafter mentioned to determine by plurality of voices which of these two or more councilors elected at one time are to fall off from the council for that year, two of each rank being necessarily to be disqualified annually, whose places are to be filled up in the manner to be hereafter prescribed, and such of the senior councillors as are not disqualified or continued on the above account for that year shall be the first who are to fall off and necessarily go out of the council the election immediatly subsequent, at least so soon as they cease to be necessary councilors in consequence of the regulation foresaid.

Regulation 3d. That upon the first Fryday after the election of magistrates in October 1748, and yearly thereafter on that day, the three setts of magistrates,

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who by the original constitution of the burgh have the power to choose these who are to bear office as councilors, conveen within the town hall at four in the afternoon, the dean of gild and deacon conveener being warned personally or at their dwelling houses to be present with them, and after filling up the places of such of the electors as are dead, absent, or who have been two years in one office or born two offices, to make up the full number of twelve, the dean of gild and conveener if at the meeting foresaid being always to be electors in room of such of their respective ranks whose places are to be filled up as above, and after having a list laid before them by the town clerk of the members of last years council, distinguishing each year when they were last brought into council, these twelve electors are to fill up and choose thirteen merchants and twelve tradesmen, who with the provost and three baillies are to make the ordinary council of twenty-nine for the year subsequent, in the manner following, viz., the thirteen merchant councilors are to be composed of the last years provost, when not rechosen, the two merchant baillies for the preceeding year, the last elected dean of guild, who in case he has been an extraordinary member of council in the former year is to supply and fill up the room of one of the new merchant councilors, and that whether he has been newly elected into the office of magistracy or not, and of another new councilor of the merchant rank to be chosen by plurality of voices as above who, with the said dean of gild in the event foresaid, are to come in place of the two senior merchant councilors necessarily to be disqualified and fall off from the council by the second regulation before sett down, but in case the last elected dean of gild has been of the ordinary council of twenty-nine the preceding year, the said twelve electors are by plurality of voices to name and choose two new merchant councilors in place of the two senior members of that rank to be disqualified as above expressed; and so many of the junior or latest elected merchant councilors for the preceeding year, not being at the time in the office of magistracy or having been magistrates or dean of gild the immediatly preceeding year, as with the necessary and new elected councilors above said shall make up the number of thirteen, exclusive of the provost and two merchant baillies, are to continue and remain members of the council for the merchant rank the year ensueing. And as to the twelve trades councilors they are to consist of the persons following, viz., the immediatly preceeding years baillie of that rank, the last elected conveener, who in case he has been an extraordinary member of council in the former year is to supply and fill up the room of one of the new trades councilors and that whether he has been newly elected into the office of magistracy or not, and of another new councilor of the trades rank to be chosen by plurality of voices as above, who with the said conveener in the event foresaid are to come in place of the two senior trades councilors necessarily to be disqualified by the second regulation above written, but in case the last elected conveener has been of the ordinary council of twenty-nine the preceeding year the saids twelve electors are by plurality of votes to name and choose two new trades councilors to supply the place of the two senior members of that rank to be disqualified as above expressed, and so many of the junior or latest elected trades councilors for the preceeding year, not being at the time a baillie or having been baillie or conveener the immediatly preceeding year, as with the necessary and new elected councilors above said shall make up the number of twelve, exclusive of the trades baillie at the time, are to continue and remain members of the council for the craftsmen rank the year ensueing; declaring always that the said twelve electors shall further have liberty and are hereby appointed to fill up the places of such of the preceeding years council who have dyed in that time or refused to accept their offices and whose seats have not been filled up by the council in terms of the original sett, and that over and above the four new councilors to be annually elected and filled up as before specifyed. And that there is to be no further change in the council in any one year than by filling up or chooseing two new merchant and two new trades councilors in place of these to be disqualified as aforesaid, or supplying the room of such as are dead or have refused to accept in the preceeding year, in case the seats of the latter have not been filled up by the council as before mentioned; declareing always that in regard a good number of the merchant councilors elected in October last 1747 have not accepted of their offices, for which as before noticed there is at present no *compulsitor*, it shall be permitted that in October 1748 at filling up the ensueing years council, in case two or more of the persons chosen councilors for this current year shall continue to decline acceptance, the twelve electors before named may only fill up or nominate new councilors in place of those who have not accepted the preceeding year without being oblidged to disqualify at that election only the two senior accepting councilors of that rank in terms of the second regulation aforesaid.

Regulation 4th. That the baillie for the village of Gorbals is to be chosen out of a lyte of the merchants rank and trades rank, *per vices*, with liberty to the council to nominate them out of their own number or not and to conjoin another baillie for the village and barrony as they shall judge expedient.

Regulation 5th. That every person hereafter elected or continued a councilor shall be oblidged to accept of his office on the day whereon the dean of gild and conveener are chosen, if not confined with sickness or necessarily absent, or at furthest in three months after his election, and that any person chosen or continued to be a councilor refuseing or neglecting to accept as said is shall, by the magistrates and council at their first meeting after the first day of January yearly, be fined and amerciated in the sum of twenty pounds sterling, payable to the collectors of the merchants and trades houses respective for the behoof of their poor, according to the rank which the refuseing or neglecting councilor shall be of; and the said respective collectors are to be oblidged between and the Whitsunday ensueing to produce a certificate under the hands of the dean of gild or conveener respectively of their having accounted for the said severall fines, or that the same are placed to their debites with the several houses, otherways the said respective collectors shall be oblidged to pay the same to the town treasurer for the use of the burgh, with one fifth part more for their neglect in levieing the said fines; without prejudice to the council in case any number of the councilors decline accepting and choose to pay the above fine to fill up ther places agreeable to the original sett, and declareing always that if any person shall make payment of the above fyne for not accepting to be a councilor he shall not be again compellable to accept of that office.

Regulation 6th. That every person who shall be hereafter elected provost, one of the baillies, dean of gild, deacon conveener, or treasurer, shall on his refuseing or declineing to accept or exerce any of the said offices, at the first meeting of the council after the election of the dean of gild, be fined and amerciated by the magistrates and town council in the sum of fourty pounds sterling, payable to the collectors of the merchants and trades houses respective for the behoof of their poor, according to the rank which the refuseing or neglecting office bearer shall be of, with certification that if the said respective collectors do not produce, within three months after an extract of the sentence for the said fines shall be put into their hands, a certificate from the dean of gild or conveener respective of their having accounted for the said several fines, the said respective collectors shall be oblidged to pay the same, with one fifth part more for their neglect in levieing thereof, to the town treasurer for the use of this burgh, and this article with the immediately preceeding one to be read annually in the merchants and trades houses at their first meeting after electing the dean of gild and conveener.

Regulation 7th. That in case of the decease of the provost, any one of the baillies or treasurer, during the time of their being in office, the magistrate to whom belongs the right of presideing in and conveening the council, who is declared to be the first magistrate in the place at the time, shall call a council within fourty eight hours after such death, and there intimate the conveniency and necessity of supplying the vacant office, and at that dyet another council shall be appointed, not under four or above eight days distance from the former, for electing an office bearer in place of the magistrate or treasurer deceased, and shall appoint the whole members of council to be warned for that effect, at which second meeting lytes shall be made up as is presently practised at electing these office bearers (excluding the magistrates at the time or any other debarred from being elected into any of these offices respective by the original sett) out of which lytes the office vaccant as aforesaid is to be supplyed, and the person newly elected to have the same powers and priviledges with his immediate predecessor in whose place he shall be chosen. And in case of the death of a dean of gild or conveener during their being in these offices, the immediatly preceeding dean of gild and conveener on life, within fourty eight hours after such decease, are to conveen their respective houses, who are to appoint a new meeting of their several members to be conveened and propperly warned, not under four or

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above eight days distance from the former dyet, whereof the provost or presideing magistrate is to be acquainted, at which last meeting a lyte of three persons shall be elected by a majority of votes to be presented by the two houses respective according to the rank of the person deceased, in the same manner as has been hitherto practised at electing the dean of gild or conveener the first year of their offices, and immediately after the houses have voted the said lytes respective, the presideing magistrate is to call and conveen the town council and deacons of crafts in the same form and method as has been hitherto observed on occasions of that nature, and the persons who by law or practise have right to choose a dean of gild or conveener shall by plurality of voices (the provost or preses having the first as also a casting vote) elect that office bearer out of the lytes foresaid, according as the office shall happen to be vaccant by death as said is, and the person so to be elected shall have the same powers and priviledges which his immediate predecessor had when on life; declareing also that in case of any persons not accepting of any of the said offices within a month after their election, the council are to proceed and make choise of another office bearer in their place, observing the forms and regulations before sett down in the event of their decease.

Regulation 8th. That the original sett and constitution of the burgh, so far as not altered, amended or repealed by the present regulations, shall continue and remain in full force till a proper and legal alteration be made therein, and that this present platt form and rules therein sett down shall be observed inviolably till altered by the city council with consent of the merchants and trades houses, and shall be publickly read in presence of the council annually, immediately before they proceed to the election of magistrats. Which report above written being read in presence of and duly considered by the magistrates and council they agreed thereto and approved and hereby approve thereof, and ordain the same to take effect and be observed for the future according as is above mentioned, and remitt to the magistrates to order copies of the above report to be given in to the dean of gild and deacon conveener to be laid by them before their respective houses.

Extracted upon this and the preceeding nine pages by

Sic subscribitur: Jo. M'GILCHRIST, depute clerk.

KINGHORN.

BURGH OF KINGHORN.*

Act of the royal burrows ratifying an alteration in the sett of the burgh of Kinghorn.

In the general convention of the royal boroughs of Scotland, holden at the burgh of Edinburgh upon the twelfth day of July one thousand seven hundred

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* See sett of the burgh of Kinghorn, *antea*, p. 193.

KINGHORN

and sixty nine years, by their commissioners therein conveened. The which day, there was presented and read to the convention a petition from the burgh of Kinghorn representing that by the sett of the borough the election of the provost and baillies takes place upon the Wednesday immediately after Michaelmass, and the manner of chusing the provost is by a leet of two persons at that time named by the baillies, out of which list the provost is chosen by the plurality of votes of the whole council and deacons of crafts; that it was unnecessary to enquire what may have been the original motives of giving the two baillies the sole nomination of the provost, contrary to the practise of every other burgh in Scotland, and particularly inexpedient in this borough where one baillie at least is for most part a seafareing man, so that by many accidents the election of a provost might be entirely disappointed; that to remedy this inconvenience an overture was proposed in the year seventeen hundred and forty four that the majority of the council should have power to add a third person to the baillies leet, out of which the provost was to be to chosen, and this overture was upon the second day of July seventeen hundred and forty four unanimously approved of by the council, and this practice has continued ever since, but has not hitherto received the approbation of the convention, though from the begining it was intended to apply to the convention that their authority might be interposed for rendering the said act more effectual, and which by an act of the council of the said burgh of date the 10th instant it is particularly recommended to their commissioner and assessor to this convention to lay the same before the boroughs so as to obtain their approbation thereof, and praying that the convention in consideration of the premisses would approve of the act of council of the second of July seventeen hundred and fourty four authorizing the addition of a third person to the leet of two named by the baillies for the election of a provost, and declare the said act of council to be a part of the sett of the burgh; which being considered by the convention they unanimously approve of the foresaid overture and act of council past in the seventeen hundred and forty four, and declare the same to be a part of the sett of the burgh of Kinghorn in time coming, and appoint it to be ingrost in the record for the setts of the boroughs for behoof of all concerned; and that the clerks to the convention in giving out extracts of the sett of Kinghorn do insert the above mentioned acts as part of it in all time coming; and of which acts of council the tenor follows:—Kinghorn, the twenty fifth day of June one thousand seven hundred and forty four years. Sederunt: Robert Bruce of Grangemyre, provost, Robert Hamilton, junior, shipmaster, baillie, David Herd, treasurer, John Craige, senior, Richard Buist, William Demperston, Robert Baxter, James Gibson, John High, William Turpie, Henry Miller, Robert Hamilton, senior, John Demperston, councillors, David More, John Thomson, James Orrock, deacons of crafts. The magistrates, council, and deacons of crafts, considering that whereas by the fourth article of the sett of this burgh, ratifyed by the convention of boroughs and recorded in the

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borough court books, it is fixed that the election of a provost and baillies shall be upon Wednesday immediately after Michaelmas and that the baillies shall give out a leet of two persons, one of which to be elected provost, wherefore it was moved that an act be made to amend this article in so far as it shall be in the power of the majority of the council then mett to add a third person to the said leet out of which the provost is to be elected, and that this amendment may be laid before the ensuing general convention of boroughs to be by them approven if need be. Kinghorn the second of July seventeen hundred and forty four. Sederunt: Robert Bruce of Grangemyre, provost, Robert Hamilton, junior, and David Gilchrist, shipmasters, baillies of Kinghorn, David Herd, treasurer, Robert Hamilton, senior, Henry Miller, Robert Baxter, William Demporstone, John Demporstone, John Craigie, Richard Buist, David Dalgleish, councillors, David More, John Aitken, James Orrock, and John Thomson, deacons of crafts. This day the overture anent the majority of the hail council met at the election of the magistrates having a power to add or eike (two persons elected by the baillies to be provost) one person more unanimously approved of by this meeting. Extracted from the council minutes of Kinghorn by (signed) Jo. Mason, clerk depute. Kinghorn, the tenth day of July one thousand seven hundeed and sixty nine years. Sederunt Robert Hamilton, provost, Baillie Higgie, Baillie Lighton, John Sanders, William Menzies, Malcolm Currier, William Reid, Thomas Tosch, George Smith, James Rolland, Alexander Kirkaldie, James Robertson, counsellors, Andrew Crumbie, David Kellock, George Wishart, deacons. The provost overtured to the council that they would consider the amendment offered to the fourth article of sett of this burgh which relates to the leet for the provost, made upon the twenty fifth of June seventeen hundred and forty four years, which motion was unanimously approved of by the council on the second of July thereafter, and as the said act has never yet been laid before the convention of boroughs for their approbation and held as part of the sett of this borough, the said overture and act above mentioned with the article of sett referred to being read and considered, with the declaration of several of the present members that from the seventeen hundred and forty four to the last election the council have been uniformly in use either to approve of the baillies leet as it then stood or to add one thereto, all which being read, considered, approved and signed by their appointment and in their presence, they do unanimously recommend to their comisioner and assessor to apply to the ensuing general convention to obtain the said approbation to the above mentioned act. Extracted furth of the council minutes of Kinghorn by (signed) Jo. MASON, Clerk Depute.

BURGH OF STIRLING.*

STIRLING.

Act of the royal burrows ratifying an alteration in the sett of the burgh of Stirling.

In the general convention of the royal boroughs of Scotland, holden at the burgh of Edinburgh upon the eighth day of July one thousand seven hundred and eighty eight years by their commissioners therein conveened. The which day, there was presented by the commissioner for Stirling an order of his Majesty in council, bearing date the twenty third day of May seventeen hundred and eighty one years, for a poll, containing some alterations on the sett respecting the election of the magistrates and town council in the burgh of Stirling, held the eleventh of June that year, which order the convention directed to be recorded in the record of setts and the original to be delivered up to the commissioner for Stirling, and of which the tenor follows :—

At the Court of St James's the 23d of May 1781. Present—The King's most excellent Majesty; Lord President, Lord Chamberlain, Earl of Salisbury, Earl of Denbigh, Earl of Sandwich, Earl of Hillsborough, Lord George Germain, Vicount Stormont. Whereas there was sometime since presented to his Majesty, at this board, a petition of James Moir, David Gourlay, Duncan Glassford, Colin M'Laren, Robert Banks, Alexander Cunningham, and John Campbell, for themselves and in name and behalf of the other burgesses and inhabitants of the borough of Stirling in North Britain, stating that by the sett or constitution of the said borough of Stirling, as practised for near a century past, the common council consisted of a provost, four baillies, a dean of guild and treasurer, seven ordinary merchant counsellors, and seven deacons of trades, making in all twenty one members, fourteen of whom were of the guildry or merchants and the other seven of the incorporated trades; that the provost, four baillies, treasurer, and dean of guild were annually chosen out of the fourteen guildry or merchant counsellors; that seven of the merchant council and four of the trades council were changed or turned out of council yearly and seven merchants elected by the common council in place of those turned out; and each of the seven incorporated trades made up a list or leet of four of their members to be sent to the council, and the council cut off two from each of these lists and returned the other two to their respective incorporations or companies that they might elect one of them to be council deacon for the year ensuing; that the guildry or merchants had no choice of the seven members brought into council out of their oun number, neither had they any choice of their own dean of guild, he being elected and presented to them by the common council; that though no person could by election be continued in the magistracy of the said borough longer than two years at one time, yet one magistrate might and by practice

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* See sett of the burgh of Stirling, *antea*, p. 167.

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often did continue in council as one of the seven ordinary merchants counsellors, or be made dean of guild and so remain in any of these offices for another year, and could again be re-elected as provost or baillie for another year, whereby the leading men in the council had it in their power to perpetuate themselves in office and to manage and do in all the matters of the borough as they thought proper; that three of the leading men in the council having greatly abused this power a complaint was made to the court of session in Scotland for having the election of magistrates and counsellors of the borough made at Michaelmas 1773 set aside and made void, as being brought about by undue influence and corrupt practices, and upon a proof brought and hearing of parties the said court of session declared the said election at Michaelmas 1773 to be void and null, and upon an appeal to the house of lords that decree was affirmed, whereby the said borough of Stirling has not only been ever since and is now without magistrates or town council but hath also since that time been deprived of a representative in the convention of royal boroughs in Scotland and disqualified from voting in the election of a member to serve in parliament; and humbly praying that his Majesty will be graciously pleased to restore the said borough and to direct a magistracy and town council to be chosen by a poll election, and that some part of the former set or constitution of the borough may be altered in order to prevent in future the abuses which occasioned the present disfranchisement. His Majesty, taking the said petition into his royal consideration, and having received the opinions of his Majesty's attorney-general, the lord advocate of Scotland, his Majesty's solicitor general, and also of a committee of the lords of his Majestys most honourable privy council thereupon, is pleased, by and with the advice of his privy council, to order that for the restoring the peace and good government of the said borough, the inhabitant burgesses of the guildry or merchants and incorporated trades of the said burrough who resided therein at and previous to Michaelmas 1777 (excluding all honorary or non resident burgeses and such who were not members and had not a residence in the said borough at and previous to Michaelmas 1777, whether members of the guildry or incorporated trades, and also town and hospital servants and pensioners, and others who are now or shall be under any incapacity in acting at such election) be, and they are hereby authorized and commanded to assemble themselves at the council chamber within the said borough of Stirling, at ten o'clock in the forenoon, upon Monday the eleventh day of June next, with continuation of days, of which the sheriff depute of the county of Stirling shall give publick notice eight days before the day of election, then and there to elect fit persons, not exceeding twenty one in number (being the number elected at Michaelmas immediately preceding the vacated election) properly qualified in terms of the set and usage of the said borough, to be magistrates and town counsellors of the same. And that the election be made in manner following, that is to say, the merchants or guildry to elect the fourteen guildry or merchant counsellors and the seven incorporated trades each

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to elect their own respective deacon who shall thereby become constituent members of the town council; the guildry or merchants at large to chuse one of the fourteen guildry or merchant counsellors to be dean of guild; and the seven new deacons, with a delegate to be chosen by each incorporation, to elect one of themselves to be deacon conveener; the said fourteen to compose the conveener court untill the next election; and the fourteen members of the guildry or merchants so elected as aforesaid, together with the seven deacons of the trades so elected as aforesaid, to chuse the provost, four bailliffs, and a treasurer, out of the fourteen guildry or merchant counsellors (exclusive of the one elected dean of guild); and that the persons so elected by a majority of the persons aforesaid shall continue from that time magistrates and counsellors till the usual time of election in the year 1781. The provost to be chief magistrate and preses of the council, in place of the dean of guild, who was preses by the former sett. And that all persons claiming to vote, give in their burgess tickets and acts of admission, or authentick extracts from the records of the borough, of their admission to the freedom thereof at and previous to Michaelmas 1777, six days at least before the day of election, to the sheriff depute of the county or guildry clerk of the town of Stirling, that their names may be inrolled before the election; and that the sheriff depute of the county of Stirling within which the borough lies, the sheriff depute of the county of Perth, and the sheriff depute of the county of Lanark, being two counties adjoining to Stirlingshire, or any two of them, be, and they are hereby authorized and required to attend to oversee and direct such election according to law and the rules used to be observed in such cases, and to form an authentick instrument thereupon, under their subscription manual, to be reported to his Majesty in council for confirmation; and to administer to the electors before they be admitted to poll the oaths appointed by law to be taken in Scotland by the electors at ordinary elections of magistrates, and likeways the oath against bribery and corruption, if required, by any person having a right to vote at the election.

And for the better order and good government of the said borough in time to come, his Majesty, by and with the advice of his privy council, is hereby pleased to alter the former set or constitution of the said borough, and to order and direct that at the election to be made at Michaelmas 1781 and at all future elections the guildry or the merchants at large who at the time of such election and for the three months immediately preceeding the said election have been resident within the said borough do elect four of their number to be new counsellors in place of four of the seven who by the set or constitution of the borough go out of council yearly at the Michaelmas election, and that the said members of guildry or merchants at large do elect and chuse one of the said four persons to be dean of guild, to continue in office for the year ensuing; and that at the said election, 1781, and at all future elections, the seven incorporated trades do yearly each of them chuse their own respective deacons out

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of their number, without sending lists or leets to the council to be shortened as practised under the former set or constitution of the borough, except that (as by the former set four of the deacons must be yearly changed) the council previous to the election of deacons shall cut off or declare four of the deacons, elected the former year, incapable of being re-elected for the year ensuing; that the provost shall be chief magistrate and preses of the council; and that all the different steps of election be carried on upon the following days, viz., That the council shall meet on Tuesday preceeding Michaelmas at eleven o'clock in the forenoon to cut off or declare the ineligibility of the said four deacons; that the guildry and seven incorporations shall meet next day at 10 o'clock in the forenoon, in their respective conveening places, to elect their several deacons and members of the merchant council and dean of guild; and the council shall on the following day, being Thursday, meet to conclude the annual election by voting off the seven members who go out of council, chusing three new members, receiving in the members chosen by the guildry and trades, and chusing a provost, four baillies and treasurer; but that in all other respects the former set or constitution of the said borough of Stirling be observed as the mode of annual elections.

Sic subscribitur: W. FAWKENER.

Edinburgh, 9 July 1788—Received up by me, present provost of Stirling, from the conjoint clerks of the convention of royal burrows of Scotland, the principal of the order by his Majesty in council for the poll election of magistrates for the burrow of Stirling.

(*Signed*) JAMES YOUNG.

Record of setts to be registered and authenticated copy made.

30th Act of convention 1817. The commissioner for Banff stated that the record of the setts of the boroughs of Scotland (and which is the only evidence of their various constitutions) from its constant use, is likely at no great distance of time to be so sullied as to be scarcely ligible, besides the possible chance of this important record being lost or mislaid, he therefore moved that the keeper of the record be instructed to make out a copy of the record, to be authenticated by the agent, the clerks, and the keeper of record, and which shall thereafter bear equal faith with the principal record; and further moved that the said record be registered in the register of the court of session for probative writts for further preservation; of which two motions the convention unanimously approved, appointing a copy of the said record to be made and authenticated and when so made and authenticated to bear equal faith with the principal record.

Certificate of authentication.

In terms of the foregoing act of convention, we hereby certify that what is written upon this and the two hundred and forty six preceding pages is a just and true copy of the Record of Sets. Certificate.

JOHN IRVING, Agent.
DAV. BEATSON, Keeper of the Records.
C. CUNNINGHAM, Conjunct Clerk.
CARLYLE BELL, Conjunct Clerk.

BURGH OF WICK.*

WICK.

Act of the convention ratifying and approving of an alteration of the sett of the burgh of Wick.

In the general convention of the royal burrows of Scotland, holden at Edinburgh, the seventh day of July one thousand seven hundred and sixteen. The same day, the convention, anent the petition given in be John Calder, commissioner for the burgh of Wick, for himself and in name of the rest of the magistrats, toun council and burgesses thereof, shewing that King James the sixth by a charter, under the great seal, produced, dated the twenty fifth of September one thousand five hundred eighty nine years, did erect the toun of Wick into a burgh royal and appointed the magistrats and toun council thereof to be elected yearly with advice and consent of George Earle of Caithness, his heirs and successors, with this further qualification that they should not be chosen any other manner of way; and albeit the import of the forsaid clause and limitation in favours of the Earle of Caithness and his successors is that the magistrats should present a leit of the persons to be chosen for his approbation, which has been explained by the custome and practise of this and all other burghs where such a consent is necessary by the charter of erection, yet upon misapprehending the true intent and designe of the clause there has been of late some variety in the method of election in the said burgh, especially in absence of the Earle of Broadalbane and the Lord Glenorchy his son, upon whom the right of the earledome of Caithness and whole priviledges thereof is established; and seeing it is absolutely requisit for the good order and goverment of the said burgh that a settled rule for the elections in all time coming should be laid down according to the meaning and import of the said charter of erection; therefore craving the convention to appoint that in all time coming the magistrats for the time should make a leit of the persons to be chosen for the following year, and that the said leit be presented to the said Lord Glenorchy and his successors, who are invested with the right of the said earledome and priviledges,

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* See sett of the burgh of Wick, *antea*, p. 234.

WICK.

that he or they may chose out of the said leit magistrats for the ensueing year, and that the said magistrats may choise the toun council; and that the convention would authorize the forsaid set as ane rule to be observed in all time coming; as the petition signed by the said John Calder bears. Which being read the convention remitted the consideration thereof to the commissioners for the burghs of Inverness, Dunfermling, Selkirk, Whithorn, Dingwall and Campbeltoun, as a committee, and to report their opinion thereanent to the convention. Accordingly, the committee this day reported that they having considered the petition and grounds thereof, with the particular clause of the said original charter in favours of the Earle of Caithness and his successors referring to the election of the magistrats thereof, which runs in these words: Cum speciali et plenaria potestate liberis inhabitantibus et burgensibus dicti burgi et suis successoribus in futurum, cum expressis avisamento et consensu dicti nostri consanguinii Georgi, comitis de Caithness, ejus hæredum et successorum, et non aliter seu alio modo, præpositum et quatuor ballivos dicti burgi, incolas et habitates, una cum thesaurario, gildæ decano, consulibus, burgensibus, serjeandis, aliisque officiariis necessariis intra dictum burgum, pro gubernatione ejusdem, faciendi, eligendi, constituendi et creandi, &c. And they having likewise considered the circumstances of the said burgh, it was the unanimous opinion of the committee that the express consent of the Earles of Caithness and their successors to the election of the magistrats of the said burgh was indispensibly necessar, and the making a leit by the magistrats for the time being consisting of tuo out of which a Provost, and four out of which tuo baillies are to be named, and the presenting the same thirty days before Michalmass to and the approving thereof by the Lord Glenorchy and his successors as coming in place of the Earles of Caithness or by his sherrif deput there in case of his absence forth of Scotland, ought to be the rule of electione in all time coming; and that these magistrats when so chosen and elected are to chose seven councilers, a treasurer, and a dean of gild; and that the present magistracy represented in this present convention be authorized before expiration of their office to proceed in these terms at the next electione for the ensueing year, and so forth in all time coming; and the committee fand that the former set recorded in the borrow books dated the thirty of October j^{m} vij^{c} and eleven was not conforme to the charter of erection; as the report bears. Which petition, grounds thereof, and report being considered by the convention and ane question being moved and put to the vote—approve of the report of the committee so as to take effect immediatly, or only after July j^{m} vij^{c} and seventeen years, betuixt and which time parties might object—it caryed that it should take effect immediatly; and therefore the convention authorized and appointed, and hereby authorize and appoint the present magistrats and council of the burgh of Wick and their successors in office in all time coming to make their elections in the terms of the above report conforme to the forsaid charter of erectione.

BURGH OF INVERKEITHING.*

INVERKEITHING.

Act of the convention ratifying an act of the town council of Inverkeithing for the better regulating of their elections.

Act of convention, 10 July 1716.

In the general convention of the royal burrows of Scotland, holden at Edinburgh, the tenth day of July one thousand seven hundred and sixteen years. The quhilk day, the convention having heard a petition from the magistrates and council of the burgh of Innerkeithing, desiring the approbation and ratification of the royal burrows to ane act of their town council for the better regulating of their elections in time coming, dated the ninth day of July instant; and having heard the said act read in their presence, they ratifyed and approved thereof for the rule of election of their magistrates in time coming and ordained the said act to be recorded in the burrow court books after dissolving of this present convention, and of which act the tenor follows:—At Innerkeithing, the ninth day of July 1716 years. The which day, the provost, baillies, and toun council of the said burgh, taking to their consideration the present rule and set establishing the manner of election of magistrates and toun council within the burgh, and finding that many inconveniences has happened by reasone that the set is not exprest as to the time the magistrates can continue in their office, and in regard that it is the practise of the most part of the well regulat burrows within this kingdom to change their office bearers annually, or once in the tuo years at farthest; for preventing of which inconveniences in time coming and that the magistrates within burgh may be put upon the same footing of the other burrows of this kingdom and that the inhabitants of this burgh may have access to serve in the office of magistracy in their turn according to their capacity, the magistrats and council, *nemine contradicente*, enacts and ordains that in all time coming no man shall be capable of bearing the office of baillie, dean of gild or treasurer, within burgh, longer than for the space of tuo years after his being elected, but at the annual election after the said space the baillies and council shall be holden and obliged to proceed to election of other well qualified persons in their room; and furder enacts and ordains that no man shall be capable of being elected baillie, dean of gild or treasurer, unless he has born the office of a commone counciller immediatly for tuo years before, and that none can be elected either baillie or dean of gild but those who have been treasurer or in the same office before; and appoints John Cant, their present commissioner to the convention of the royal burrows, presently siting at Edinburgh, to applye for the ratification of this present act; whereupon the same is signed by us, day, month, place and year of God above written. *Sic subscribitur:* Roseberie, preses; Jo. Cant, James Steedman, baillies; William Deas, dean of

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* See sett of the burgh of Inverkeithing, *antea*, pp. 193, 200.

INVERKEITHING.

gild; James Bowers, treasurer; Francis Henderson, Robert Main, Thomas Anderson, John Deas, James Graham, Geo. Smiton, John Craich, William Hodge, James Stenhouse, councillers.

Extracted by

Sic subscribitur: WILLIAM CHARTERS, Depute.

Act of convention, 9 July 1717.

Act of the convention relative to the election of treasurer in the burgh of Innerkeithing.

In the general convention of royal burrows, holden at Edinburgh the ninth day of July one thousand seven hundred and seventeen years. The which day, upon application from the burgh of Innerkeithing, the convention allowed the said burgh to choose such persons to be treasurers of their said burgh as they shall think fit, although the saids persons have not been two years upon their council, anything in the contrary in the former sett notwithstanding.

KIRKCALDY.

BURGH OF KIRKCALDY.*

Decreet Arbitral for the settling of differences in the burgh of Kirkcaldie.

At Edinburgh, the twenty ninth day of August one thousand seven hundred and twenty one years. Wee, the committee of the royal burrows, judges arbitrators chosen by James White, present provost of Kirkcaldie, as having power, warrand and commission from the magistrates and town council of the the said burgh, conforme to ane act of the town council thereof dated the eight day of July last j^{m} vij^{c} and twenty one years, for himself and the saids magistrates and council, on the one part, and James Oswald of Dinnykeir, merchant in Kirkcaldie, and Henry Miller of Powrie, chirurgian, and late conveener there, for themselves and in name and behalf of several of the burgesses of Kirkcaldie, by ane commission signed by them on the other part, conforme to their submission dated the eleventh day of the said month of July last,. whereby the saids parties did submitt to the last general convention of the royal burrows or their said committee, their decision and final .determination, the differences betwixt them contained in ane petition given in be the said James Oswald and others to the said last general convention, as the said submission more fully bears. And the said committee, judges arbitrators, having accepted the said matters debateable upon them, and they being therewith well and ripely advised, and after full hearing of both the saids parties and consideration of the matters laid before them, find that the qualification of having five hundred merks in shipping is not required of those who are councillors and magistrates in Kirkcaldie by the decreet arbitral which serves the burgh in place of a sett, but that it is only required of those who are admitted gildbrethren, and that the said qualification even as to the gildbrethren was never in observance. As to the second point of the petition, relating to the conveeners being in use to present a leit of three trades councillors and the councils being in use to receive them, find the same

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* See sett of the burgh of Kirkcaldy, *antea*, p. 176.

KIRKCALDY.

not proven. As to the third point of the petition, find it was irregular on the part of the town council of Kirkcaldie to receive a deacon of the taillors presented to them by the conveener and his council and not elected by the incorporation of the taillors. As to the fourth part of the petition, find that frequent debates has happened in the election of the magistrates, and particularly of the dean of gild, through not observing strictly the said decreet or set, and therefore, all in one voice, after mature deliberation, having God and a good conscience before their eyes, they pronounce and give forth their sentence and decreet arbitral in manner following, to witt: We hereby ordain that the said town council shall not in time coming receive any deacon but such as are chosen by their respective incorporations in manner provided by the said decreet, and hereby discharges the conveener and his council to choose any deacons in time coming; and further ordain the magistrates and council of Kircaldie to have a special regard in the election of the magistrates to the rules prescribed by their said set, particularly to elect the saids magistrats and dean of gild out of the number of eight; and, lastly, we decern and ordain the election of the magistrats and town council of Kirkcaldie to subsist. Signed: Jo. Wightman, preses, Go. Drummond for Rothesay, Geo. Irving for Sanquhar, J. Nimmo for Inverary.

BURGH OF BURNTISLAND.*

BURNTISLAND.

Act of the convention ratifying an alteration in the set of the burgh of Burntisland for the better regulation of their elections.

In the general convention of the royal burrows of Scotland, holden at Edinburgh the seventh day of July one thousand seven hundred and twenty two years. The which day, the convention having considered two memorials from the burgh of Burntisland, the one from the greatest number of the inhabitants subscribing, the other from a great many of the members of their toun council, desiring several rectifications in the set of their said burgh; and the convention having heard the said rectifications proposed, and the tuo contending parties in the said burgh being called in and no objections made against the saids particular rectifications, and the convention having seen their council books, and it not appearing from them that the former set was sufficiently warranted from the saids books nor from the laws regulating the elections within burgh, they statute and ordain that in all time coming they shall observe the alterations following, viz: (1°), that none be capable of the magistracy but merchants and actual traffickers bearing scot and lot within the said burgh; (2°), that no magistrats be continued longer than two years at once; (3°), that three of their gild council be annually changed; (4°), that no deacon shall continue above two years together, and that the deacons be annually chosen upon the Thursday preceeding the elections of magistrats, at ten in the forenoon, at the usual place of

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* See sett of the burgh of Burntisland, *antea*, p. 192.

BURNTISLAND. their elections. And appoints these alterations to be inviolably observed in all time coming as a part of the rules for their elections to take place at Michalmas next; and ordains the clerks of the royal burrows to transmitt ane extract hereof to the magistrats of the said burgh.

INVERNESS.

BURGH OF INVERNESS.*

Act of the convention ratifying an alteration in the set of the burgh of Inverness for the better regulation of their elections.

In the general convention of the royal burrows of Scotland, holden at Edinburgh, the fifth day of July one thousand seven hundred and twenty two years.

The which day, the committee appointed to consider the petition from the burgh of Inverness concerning the alteration of the set of their burgh, reported that they having met and considered the same with the act of their toun council thereanent, and having considered the conventions manner of proceeding in like cases, they were therefore of opinion the convention should ratifie and approve of the said alteration; which being considered by the convention they approved of the said report and hereby enacts and ordains that in all time coming the six incorporat trades, that is to say the hammermen, wrights, skinners, shoemakers, taillers, and weavers, shall have each of them a deacon to be elected annually in the same manner as their visitors are at present, with this difference that the deacons must be chosen annually on Munday in the week preceeding the election of the magistrats and council. Item, that in presence of the provost or ane of the baillies to be named by the council the deacons so chosen shall annually elect one of their number to be deacon conveener who as such shall be of right a member of the toun council. Item, that at the annual election of the toun council two more of the deacons for that year shall by the toun council be elected to serve as councilers, so that of the trades deacons three, including the deacon conveener, shall always be members of the toun council and no more. Item, that no other alterations shall be made in the set of the toun then is above exprest, and that the council shall consist of no greater number than twenty one councilers as before and that this present regulation shall take place at Michalmas ensueing.

FORTROSE.

BURGH OF FORTROSE.†

Act of the convention expunging the last recorded set of the burgh of Fortrose.

In the general convention of the royal burrows of Scotland, holden at Edinburgh, the fifth day of July one thousand seven hundred and twenty two years.

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* See sett of the burgh of Inverness, *antea*, p. 183.

† See sett of the burgh of Fortrose, *antea*, pp. 232, 239.

FORTROSE.

The convention having considered a petition from the inhabitants of the burgh of Fortrose, with the two different sets of the said burgh recorded, they appoint the last recorded set, made in anno j^{m} vij^{c} and seventeen, to be expunged out of the records of the royal burrows as scandelous, and the first set to take place and be inviolably observed in all time coming; and ordains the clerks of the borrows to transmitt ane extract hereof to the magistrats of the said burgh.

BURGH OF ABERBROTHOCK.*

ABERBROTHOCK.

Act of the annual committee of the convention ratifying and approving an act of the town council of the burgh of Aberbrothock establishing a dean of gild and gildrie in said burgh.

At Edinburgh, the sixth day of September one thousand seven hundred and twenty five years. The which day, the annual committee, takeing to their consideration a petition presented to the last general convention from Patrick Wallace, merchant in Aberbrothock, for himself and as having commission from the other merchants in the said burgh, shewing that by charter of confirmation granted to the said burgh by King James the sexth they were incorporated and erected into a free burgh royall, with power to the free burgeses and inhabitants thereof to choise provost, baillies, dean of gild, gild brethern, councillors and other officers necessary for governing the said burgh; and that notwithstanding the said charter expressly names a dean of gild and gild brethern, yet the government of the said burgh has ever since been only by a provost, baillies, thesaurer and councill, to the great loss of the tradeing people within the same who are destitut of these rules and regulations in trade which propperly belongs to the office of a dean of gild and gildrie, and also setting furth that upon the merchants advancing a certain sum of money for building a peir and harbour in the said burgh, which lyes verry commodious for trade, the magistrates and town councill had made ane act of councill, dated the thirty first of Aprill last, for establishing a dean of gild and gildrymen within the same, after the modell and with the lyke powers and priviledges that the burghs of Pearth, Dundee, St Andrews or Brechin, doe enjoy the same, and therefor craveing the convention would ratify the said act of the town councill and ordain a dean of gild to be chosen against the usual time of election, who is to be a councillor *ex officio*, and als to choise gildrymen in the manner sett furth in the said act of councill, and as any of the forenamed burghs doe enjoy the same; and the annual committee having also considered the thirtyeth act of the last annual convention, whereby the aforsaid petition was remitted to them and they impowered to grant the desire thereof upon their being satisfyed of the unanimity of the inhabitants for establishing the said dean of gild and gildry in the said burgh; and the annual committee being now satisfyed by the report of George Ramsay and John Doig, commissioners

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* See sett of the burgh of Aberbrothock, *antea*, p. 208.

ABERBROTH-OCK.

for the burghs of Dundee and Brechin, to whom the inquiry into the said matter was remitted by the convention that the haill inhabitants have unanimously agreed to the erection and establishing a dean of gild and gildrie in the terms of the said act of councill; therefor the annual committee of the royal burrows doe hereby ratify and approve of the above mentioned act of the town councill of Aberbrothock for erecting and establishing a dean of gild and gildrie in the said burgh in the terms and according to the modell of the burgh of Brechin, with power to them to elect the said dean of gild att their next election of magistrats in the said burgh, who is to be chosen either from among the members of the town councill or one out of the same as the gildriemen shall think fitt, and who is to be ane councillor *ex officio;* and als to choise a gild councill in the same manner and with the same powers and priviledges as the gildry enjoys in the said burgh of Brechin. *Sic subscribitur:* ARCH. M'AULAY, Preses.

TAIN.

BURGH OF TAIN.*

Act of the convention ratifying and approving of the burgh of Tayne to elect a third baillie.

In the general convention of the royal burrows of Scotland, holden at Edinburgh the tenth day of July one thousand seven hundred and thirty years. The which day, it being represented to the convention by the commissioner for the burgh of Tayne that the said burgh laboured under a great inconveniency by reason the sett of their burgh did only allow them to elect two baillies, soe that the town was sometimes without a magistrat by reason of their occasional absence; which being considered by the convention they grant warrant to the town councill of the said burgh to elect a third baillie at their next annual election and in time coming in case they shall think propper; and appoints this to be recorded with the sett of the said burgh.

DUNFERMLINE.

BURGH OF DUNFERMLINE.†

Act of the annual committee of the convention relative to the petition of the incorporation of smiths of Dunfermline.

Smyths.

In the annual committee of the royal burrows of Scotland, holden at Edinburgh the ninth day of July one thousand seven hundred and thirty one years. The which day, the committee having, conform to a remitt of the last general convention to them, taken into their consideration the petition of James Smith, deacon of the incorporation of smyths of the burgh of Dumfermling, for himself and in name and behalf of the remanent members of the said incorporation, craving that the convention would by their act declair that under the denomination of smyths were comprehended blacksmyths, coppersmyths, peutherers, saidlers, locksmyths, cutlers, lorimers or spurriers, gun smyths, white iron smyths, sword slippers and belt makers, and to allow the saids several above named arts in common the priveledge of electing and being elected deacons of the said incorporation of smyths in all time coming, conform to the ancient, constant and uniform custom of the said burgh of Dumfermling; and they having also considered the last sett of the said burgh and the subsequent queries and the answers made by the committee met at Dumfermling to the said queries, with the act of the town councill of the said burgh made thereanent upon the fifth of July instant, the committee are of opinion that any freeman tradesman, exerciseing any trade, who were lawfully incorporated and were in use as such to vote in the election of deacon before the last sett, dated the thirteen day of July one thousand seven hundred and twenty four years, may still elect and be elected as deacon of the incorporation in which they are now freemen and bear scott and lott with the incorporation and in the actual exercise of their craft.

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* See sett of the burgh of Tain, *antea*, p. 213.

† See sett of the burgh of Dunfermline, *antea*, pp. 201, 240.

Signed: P. LINDSAY, President.

Act of the annual committee of the convention relative to the petition of the incorporation of wrights and coupars of Dumfermline.

Wrights and Coupars.

At Edinburgh, the twentieth day of July one thousand seven hundred and thirty three years. The which day, the committee having heard the petition in name of the wrights and coupars of Dumfermling, by the deacon of the said incorporation, remitted to them by the general convention, with the answers given in thereto, as also a commission to the petitioners signed by a great many of the incorporation, and the said petitioners being interrogat if this was pursued upon the publick charges of the said incorporation or at the charge of the persons granting commission for that effect, they declaired in presence of the committee that the said incorporation should be burdened with no part of the said charge, and the committee having also heard a letter from the baillies and councill of the said burgh thereanent, they subcommitt to the burghs of Edinburgh, St Andrews, Bruntisland and Sanquhar, to consider the sett of the said burgh, with the former procedure of the committee and subcommittee upon a former complaint, and to prepare ane oppinion thereupon against the next meeting of the committee.

Act of the annual committee of the convention, approving of a report by a subcommittee relative to the petition of the incorporation of the wrights and coupars of Dumfermline.

At Edinburgh the third day of August one thousand seven hundred and thirty three years. The which day, the subcommittee appointed to consider the petition of John Hutton, deacon of the incorporation of the wrights of

DUNFERMLINE. Dumfermling, in name of the said incorporation, reported that they having considered the same, with the answers made thereto by James Noble and James Clerk, sclaiters there, and others of the same incorporation, and having also considered the sett of the said burgh dated the thirteen of July j^{m} vij^{c} and twenty four years, with the fourth article of the proceedings of a subcommittee met at Dumfermling dated the twenty third day of September the said year, together with ane act of the annual committee dated the ninth of July j^{m} vij^{c} and thirty one, all referred to in the said petition and answers, were humbly of oppinion that since it does not appear that the said incorporation had by their seal of cause a power to assume glasiers and sclaiters or any other by art, therefor such assumption is invalide and ineffectual unless the want of such a power had been supplied by the acquiesance and homolagation of the magistrats and town council of Dumfermling; but since it does appear from the answers and uncontradicted by the petitioners that in the seal of cause there are several persons original members who were glasiers, ancesters to some of the present answerers, and who had born the office of deacon, and that sclaiters and glasiers have been in use to choise and be chosen deacons and bear other publick offices in the said incorporation, and that there is nothing in the late sett contradictory thereto, and that the same has been acquiesced in and homolagated by the said magistrats and town councill, as is vouched by a missive letter from the said magistrats and town councill, addrest to the preses of the annual committee, bearing date the nineteenth of July last; therefore that the glasiers, sclaiters, and other by-arts who were assumed by the said incorporation and owned and acknowledged as such by the said magistrats and town councill as aforesaid, and who are in the reall exercise of their imployments, and who reside and bear scott and lott in the burgh, are capable of electing and being elected deacons of the incorporation of wrights of Dumfermling and the other offices in the said incorporation. Which report and the writes therein referred to being considered by the annual committee, they approve of the said report and find and decern and declare accordingly.

ST ANDREWS.

BURGH OF ST ANDREWS.*

Act of the committee of the convention with the submission and decreet arbitral relative to the burgh of St Andrews.

At Edinburgh, the eight day of July one thousand seven hundred and forty five years. The which day, the committee having resumed the consideration of the debateable matters betwixt William Douglas, provost of St Andrews, and others, on the one part, and James Fairnie, dean of gild of the said burgh, and others, they pronounced their decreet arbitral in the said matter, which with the submission they ordered to be recorded in the books of the convention, the tenors of which submission and decreet arbitral are as follows, viz. :

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* See sett of the burgh of St Andrews, *antea*, p. 169.

St Andrews.

Submission.

The partys following, to wit, William Douglas of Glenbervie, esquire, present provost of the burgh of St Andrews, for himself and as having power and commission from the other magistrats and town councill of the said burgh, defenders in the proces aftermentioned, to sign this submission, conform to their commission dated the (*blank*), on the one part, and James Fairnie, late dean of gild of the said burgh, John Loch, late baillie thereof, David Fraser, late treasurer thereof, Andrew Thomson, late baillie thereof, James Thomson, present conveener thereof, Robert Watson, deacon of the smyths there, Thomas Dyar, deacon of the wrights there, Paul Duncanson, deacon of the baxters there, John Baxter, deacon of the tayleors there, William Russell, deacon of the shoemakers there, Thomas Braid, deacon of the butchers there, Mr Andrew Watson, late dean of gild of the said burgh, William Donaldson and Alexander Fraser, merchants there, pursuers of the proces underwritten, on the other part; have submitted and referred and hereby submitt and referr to the final determination and decreet arbitral to be given and pronounced by the next general convention of the royal burrows, which shall be held on the first Tuesday of July next, and, incase of their not determining, to the final determination of a select committee of the royal burrows to be named for that end by that convention, all questions, contraversies and debates, relative to and concerning the late election of magistrats and councillors and other office bearers of the said burgh of St Andrews, which was made att Michaelmas last; and particularly and without prejudice to the forsaid generality, the matters contained in a lybelled summonds of reduction and declarater raised before the lords of council and session, at the instance of the said James Fairnie and others, against the said William Douglas and others; with power to the said next annual convention, at their first meeting, or to the said select committee to be by them named, to take and receive all manner of probation necessary, and to give and pronounce their final sentence and decreet arbitral in the matters hereby submitted, at any time betwixt and the twenty day of July next to come; and whatever the said annual convention shall determine therein, and, failyieing of their determination, whatever the said select committee to be by them named shall give and pronunce as their decreet arbitral in the said matters, the saids partys submitters bind and oblidge them and their successors to obtemper and fulfill the same to one another under the penalty of (*blank*) which the partys failyieing oblidge them to pay to the partys performing or willing to perform attour performance. And, to the end the several questions and contraversies presently depending betwixt the said partys and hereby submitted may be ripened and prepared to receive a final judgment by the said convention, or by the said select committee to be by them named, the said partys hereby authorize and empower the present annual committee of the royal burrows to take in and receive the informationes, claimes and answers of both the saids partys submitters, with the vouchers thereof, and to take and receive the proof of the several allegations to be made by the said partys, and

St Andrews.

that at any time the present committee of the royal burrows shall think fitt; and which claims and answers, vouchers thereof and proof to be taken by the present committee, is to be by them laid before the next general convention; and which proof the partys submitters agree and declair to be as valid and effectual as if the same had been taken by the next general convention or by the said select committee to be by them named. And the said partys consent to the registration hereof and of the decreet arbitral to follow hereupon in the books of council and session, burrow court books of Edinburgh, or records of the royal burrows, or in any other judges books competent, to have the strength of a decreet interponed thereto, that letters of horning on six days charge and other execution needfull may pass thereupon as effeirs, and thereto constitute (*blank*) their procurations &c. In witnes whereof (written upon stampt paper by John Forbes, servitor to William Forbes, one of the principall city clerks of Edinburgh) the said partys have subscryved these presents as follows, viz., the said James Fernie and other pursuers of the proces abovementioned, at St Andrews, the twenty fifth day of February j^{m} vij^{c} and fourty five years, before these witnesses John Wilson and Robert Greig, both late treasurers of St Andrews, and James Graham, merchant there, and the said William Douglas for himself and as having power and commission from Laurence Gib and the other persons defenders in the said proces (conform to their commission dated the twenty third, twenty sixth and thirtieth days of March respective and year forsaid) at Edinburgh, the thirtyeth day of March and year abovewritten before these witnesses Mr Lewis Douglas, advocat, and Robert Douglas, writer in Edinburgh. *Sic subscribitur:* Will. Douglas, Ja. Fernie, John Loch, David Frazer, Andrew Thomson, James Thomson, Robert Watson, Thomas Dayer, Paul Duncansone, John Baxter, William W. R. Russell, his mark, Thomas Braid, Andrew Watson, William Donaldson, Alexander Frazer, John Wilson, witnes, Robt. Greig, witnes, Ja. Graham, witnes, Lewis Douglas, witnes, Robt. Douglas witnes.

Follows the decreet arbitral on said submission:—

Decreet arbitral.

Wee, James Norie, painter, and conveener of Edinburgh, James Crie, present provost of the burgh of Perth, Alexander Duncan of Lundie, present provost of the burgh of Dundee, Andrew Cochran, merchant and present provost of the burgh of Glasgow, John Buckney, merchant and provost of Linlithgow, George Murison, merchant and baillie of Montrose, John Baillie, writer and heritor of the burgh of Inverness, William Wauch, present town clerk of Selkirk, Mr James Philp, advocat, heritor in the burgh of Cullen, Sir Robert Henderson of Fordall, provost of Inverkeithing, all commissioners named by the saids several burrows to represent them at the late general convention of the royal burrows, begun and held at Edinburgh upon the second day of July current, and arbiters named in manner underwritten for determining the matters and things aftermentioned: Whereas William Douglas of Glenbervie, esquire, present provost of the burgh of St Andrews, for himself and as having power and commission from

St Andrews.

the other magistrats and town council of the said burgh, on the one part, and James Fairnie, late dean of gild of the said burgh, John Loch, late baillie thereof, James Thomson, present conveener thereof, and other merchants and inhabitants of the said burgh, on the other part, by their submission dated the twenty fifth day of February and thirtyeth day of March last, submitted and referred to the final determination and decreet arbitral of the late general convention of royal burrows, and in case of their not determineing to the final determination of a select committee of the royal burrows to be named by the said convention for that effect, all questions, contraversies and debates relative to and concerning the late election of magistrats, councillors, and other office bearers of the said burgh, which was made at Michaelmas last, and particularly and without prejudice of the forsaid generality, the matters and things contained in a lybelled summonds of reduction and declarator raised before the lords of councill and session at the instance of the said James Fairnie and against the said William Douglas and others. And whereas the said general convention of burrows, by their act dated the second day of July current, did nominat us, or any five of us, (whom they declared a quorum) as a select committee for determineing the said contraversies and debateable matters, as in the said submission and act of the general convention of burrows at more length is contained. And now, wee, having considered the said submission, proces therein referred to, the set of the said burgh, with the claims of the parties submitters, answers made thereto, and whole writes therein referred to, and having heard partys thereupon and being therewith well and ripely advised, and having God and a good conscience before our eyes, doe pronunce our decreet arbitral and final sentence as follows, that is to say, wee find, decern and declair: *Primo*, That the election of Laurence Gib and Andrew Mason, as baillies of the said burgh of St Andrews, made at Michaelmas last, was illegal and contrar to the set of the said burgh, and that thair election is void and null, and that therefore they cannot exerce the office of baillies nor act or vote at the elections to be made within the said burgh at Michaelmas next, nor be continued upon the councill from the year from and after Michaelmas next. But, in regaurd of the practise for many years preceeding Michaelmas last, wee find and declair the election of the haill other magistrats and members of council of the said burgh to be good and valid and that the same shall subsist untill altered by the councill of the said burgh. *Secundo*, That at Michaelmas next no person shall be leited or chosen into the offices of dean of gild, baillies, treasurer, or gild councill of the said burgh, but such who are actual inhabitants, burgesses and gild brether in the same. *Tertio*, That in all time hereafter none shall be leited or chosen into any of the saids offices who shall not be at the time of the election actual inhabitants, burgesses and gildbrethren within the said burgh, and that none shall be capable to be elected a gild counciller unless he be a gildbrother and pay for his gild ticket and be an inhabitant paying a part of the publick burdens

ST ANDREWS.

of the burgh. *Quarto,* That at Michaelmas next, and in all time thereafter, no person shall be continued as dean of gild, baillie or treasurer within the said burgh, at or above the space of three years successively. *Quinto,* That in all time coming no person within the said burgh who is a tradesman and incorporat with any of the crafts of the said burgh shall be capable to be chosen a gild councillor unless he formally renunce his being a craftsman and lodge such renunciation in the hands of the councill at least two months before he be capable to be chosen a gild counciller, but prejudice to tradesmen who are gild brethern to merchandize. *Sexto,* That in all time coming no person within the said burgh who has or shall renunce his being a craftsman and become a merchant soe as to qualify himself to be a gild councillor shall be ever capable of being chosen a deacon. And we ordain the said James Fairnie and others to discharge the said proces with all that has followed or may follow thereon. And we decern both the saids partys to observe and implement these presents under the penalty of fifty pounds sterling money to be paid by the party failyier to the party performer or willing to perform attour performance. And, lastly, wee ordain these presents, with the forsaid submission to be recorded in the books of the general convention, and thereafter to be registrat that execution may pass thereon in terms and conform to the clause of registration in the said submission, and being so registrat wee ordain an extract thereof to be recorded in the council books of St Andrews, to be read over in councill annually immediatly before the councill proceed to the election of magistrats or councillors; but of consent of partys wee find and declair that incais the said Andrew Mason shall at any time betwixt and the fifteen day of September next, by a writing under his hand, formally renunce his craft within the said burgh and lodge such renunciation with the town councill his election at Michaelmas last shall subsist and be good, valid and effectual, and otherways the same is to be void and null as said is. In witnes whereof, wee have subscribed these presents, written upon this and the three preceding pages of stamped paper by John Forbes, serviter to William Forbes, city clerk of Edinburgh, at Edinburgh, this eight day of July j^{m} vij^{c} and fourty five years, before these witnesses the said William Forbes, Archibald Blair, writer in Edinburgh, and the said John Forbes. *Sic subscribitur:* Ja. Norie, Edinburgh, James Crie, Perth, Alex^{r}. Duncan, Dundee, And. Cochrane, Glasgow, John Buckney, Linlithgow, George Murison, Montrose, Jo^{n}. Baillie, Inverness, Will. Wauch, Selkirk, James Philp, Cullen, Will. Forbes, witnes, Arch^{d}. Blair, witnes, John Forbes, witnes.

GLASGOW.

BURGH OF GLASGOW.*

Act of the convention approving of the city of Glasgow electing two additional baillies.

At Edinburgh, the sixteenth day of July one thousand eight hundred and one

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* See sett of the burgh of Glasgow, *antea,* pp. 171, 261.

GLASGOW.

years. The which day, the convention having resumed the consideration of the petition from the burgh of Glasgow for an alteration of their sett, with the report of the committee to whom it was remitted, and having also heard read a memorial subscribed by the commissioner and assessor of that burgh confining their present demand to their being entitled to have an additional baillie of the merchant rank and another of the trades rank, making three bailies of the former rank and two bailies of the trades rank, and to their being entitled to re-elect two of these five bailies, to wit, one of each rank to continue a second year; and having taken the whole under serious consideration, with the acts of the town council of Glasgow and different acts of the convention altering setts of burghs, the convention unanimously approve of the report of their committee, and in terms thereof do authorise the council of Glasgow to elect and make choise of the forsaid two additional bailies, making in all three bailies of the merchant rank and two bailies of the trades rank, at their next ensuing Michaelmas election and in all time thereafter, and to re-elect one of these bailies in each rank to continue a second year, and so far alter the present sett of the burgh of Glasgow but no farther, it being conditioned that the said two additional bailies shall be elected in the same way and manner as the bailies of Glasgow have been elected, and that without any addition to the number of the council, which are hereby appointed to continue as they presently are and of no greater number; and appoint the petition and memorial with the report of the committee to be engrossed after the minutes of convention.

BURGH OF MONTROSE.*

MONTROSE.

Act of the convention approving of an alteration in the sett of the burgh of Montrose relative to their guildry.

At Edinburgh, the tenth day of July one thousand eight hundred and sixteen years. The which day, the convention having taken into consideration the report of the annual committee, as engrossed in their minutes of the 28th of August last, and having resumed consideration of the different petitions in regard to an alteration of the set of the burgh of Montrose, approve generally of the said report of the annual committee, and in terms of the prayers of the said petitions the convention do now statute, enact and declair, 1st. That henceforward the guildry incorporation of Montrose shall, upon the second Wednesday of September annually, assemble and elect their dean of guild, with his assessors, clerk, treasurer and fiscal, and that the person so then elected to be dean shall be received by the magistrates and council at their annual election as dean of guild of the burgh for the year ensuing, and shall in virtue of his office be a counciler of the said burgh.

2nd. That the convener, deacons, and box masters of the hammermen, wrights,

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* See sett of the burgh of Montrose, *antea*, p. 177.

MONTROSE.

shoemakers, weavers, masons, bakers and taylors, shall upon the Monday immediately preceeding the annual election of magistrates in the said burgh of Montrose assemble and elect two of their number who are not members of the guild but members whither operative or not of the trades to which they belong, and who shall at the annual election of the said magistrates and council be admitted and received as the councilers to represent the incorporated trades of the burgh for the year ensuing; and the convention declar that with these alterations the old council shall elect the new and the set of the Burgh remain as recorded in the books of convention, 22 June 1709.

CRAIL.

BURGH OF CRAIL.*

Act of the convention enacting that the baillies and treasurer of the burgh of Crail do not continue in office above two years.

In the general convention of royal burrows, holden at Edinburgh the eighth day of July one thousand seven hundred and forty two years. The which day, the commissioner for the burgh of Craill presented a memorial, with ane extract of some acts of councill whereby it was enacted that the baillie or treasurer should continue in their respective offices more than two years successively; and therefor the convention were humbly entreated to approve of the foresaid acts of the burgh of Craill in order to prevent all controversies in time coming; which being considered by the convention, they approve of the said acts of councill and appoint them to be observed as a rule in all time coming; and appoint the said acts to be recorded in the burrow books after dissolving of this convention.

DUNDEE.

BURGH OF DUNDEE.†

Act of the convention approving of a new sett for the Burgh of Dundee.†

In the general convention of the royal burrows of Scotland, holden at Edinburgh the thirteenth day of July in the year one thousand eight hundred and nineteen. The which day, the commissioner for Dundee produced to the convention the new sett of that burgh as recorded in the council books of Dundee on the tenth day of August in the year one thousand eight hundred and eighteen, and the convention directed the same to be recorded in the record of setts of the royal burghs of Scotland, the tenor of which follows:—The nine incorporated trades shall meet in their hall yearly at eleven o'clock forenoon, on the second Wednesday preceding Michaelmas, and in manner as at present elect their convener, who for the year ensuing shall be a constituent member of council, in the stead of one of the three trades councillors mentioned in the formerly recorded sett, but he shall not at the same time be deacon of a trade.

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* See sett of the burgh of Crail, *antea*, p. 212.

† See sett of the burgh of Dundee, *antea*, p. 165.

The magistrates and council, consisting of twenty one persons, shall meet yearly on Tuesday preceding Thursday immediately preceding Michaelmas, unless Michaelmas shall happen on Thursday, in which case they shall meet on the Tuesday immediately preceding Michaelmas, and after leeting of ten guild brothers and four members of the nine incorporated trades shall make choice of five guild brothers and two members of the trades, who must not be both of the same trade, to be councillors for the year ensuing. After the said councillors are chosen the old council and such of the new council as are present at the meeting shall proceed to make up leets for the offices of provost, baillies and treasurer. After nominating four persons who have carried the charge of magistrates they shall make choice of two to be on the leet for the provosts office. They shall then proceed to the making up of leets for the baillies office and nominate sixteen who have carried the charge of councillors, and out of these make choice of eight to be on the leet for the baillies office, and then nominate four burgesses, being also guild brethren, for the treasurers office, and of these make choice of two to be on the leet. On Wednesday thereafter these leets shall be extracted and an extract given to the convener of the nine trades, who on the same day shall deliver a double of the leets to each of the nine deacons for the use of his trade. On Thursday thereafter, the old and new council and nine deacons shall meet and proceed to the election of the provost, baillies and treasurer, which shall be carried according to the plurality of votes. The four baillies of the former year shall continue in the council another year as old baillies and councillors, but in case of one of the present baillies being elected provost then the old provost shall remain a councillor *ex officio* for the year immediately after he has held the office of provost. In case any of the members of council or deacons of trades shall not attend the meeting for electing office bearers those present shall appoint a proxy to act and vote at the meeting for each absentee. The proxy for a trades councillor to be a burgess and a member of the nine incorporated trades and the proxy for any other member of council to be a burgess and guild brother. DUNDEE.

On the Tuesday after the election of the provost, baillies and treasurer, the magistrates and council shall meet and as at present elect a guild brother being a burgess to be shoremaster.

On the Wednesday immediately after the election of the provost and other office bearers, the guildry incorporation shall meet at eleven o'clock forenoon in the guild hall, or such other place in Dundee as a general meeting of the guildry shall at any time fix, and by the voice of a majority of the members present elect a guild brother, being a burgess, to be dean of guild for the year ensuing, and another guild brother being also a burgess to be councillor to the guild also for the year ensuing. These to be both constituent members of council in room of the dean of guild mentioned in the formerly recorded sett and of the councillor to the guild, of whose election no notice is taken in that sett.

DUNDEE.

The councillor to the guild and shoremaster, notwithstanding the former practice, shall be entitled to sit and vote at the meeting of council for electing the provost and other office bearers.

If any of the members of council or deacons of crafts shall be elected a councillor for the year immediately succeeding that in which he is then serving, such member of council or deacon shall not thereby as heretofore have two votes in making up leets for the provost, baillies and treasurer, nor in electing them, but the council shall choose a proxy to vote for him in the election of the provost, baillies and treasurer, in the character which he held previous to his new election.

Provided always that no member of the nine incorporated trades of Dundee, being also a member of the guildry thereof, shall be entitled to vote as a member of the guildry in the election of any member of the town council unless he shall have previously renounced his political rights as a tradesman or member of one of the nine incorporations, and that no member of the guildry being also a member of any of the nine incorporated trades shall vote in his incorporation in the election of any member of the town council unless he shall have previously renounced his political rights as a guild brother; provided always that such renunciation in either case shall in no wise affect any beneficial right competent to such persons as members either of the guildry or incorporated trades.

The convener shall attend the said meeting of council to be held on Tuesday for making up the leets and take his seat in council immediately after the two trades councillors have been elected; but before taking his seat he shall produce his burgess and trades tickets as evidence of his being a burgess and a member of one of the nine incorporated trades, with an extract of the minute of his election as convener certified by the clerk of the said nine trades. The dean of guild and councillors to the guild shall attend the first stated meeting of council after their election, and before taking their seats in council shall produce their several burgess and guildry tickets as evidence of their being burgesses and guild brothers, with an extract of the minute of their election certified by the clerk of the guildry. In like manner the deacons of crafts, before taking their seats in council for the first time after they are elected, shall produce a certificate of their election signed by the clerks of their respective trades, with their burgess and trades tickets, as evidence of their being burgesses and members of the said nine trades.

In case the dean of guild and councillor to the guild and convener, or any of them, shall fail to appear in council on the day appointed for their taking their seats, or appearing fail to produce the requisite evidence of their several elections and qualifications, or if it shall appear from the evidence produced that the guildry and trades or either of these bodies have made a double election, then and in any of these cases the right of supplying the deficiency which shall have thus arisen in the council shall for that year devolve on the magistrates and council, who shall immediately elect a dean of guild and councillor to the guild, or either of them, in place of the dean of guild and councillor to the guild who have so failed to take their seats as elected by the guildry, and a trades councillor in place of the convener who has so failed to take his seat as elected by the trades, without prejudice however to the guildry and nine incorporated trades exercising their respective rights to elect those members of council in future years. DUNDEE.

BURGH OF BRECHIN.*

BRECHIN.

Act of convention altering the sett of the burgh of Brechin, 12 July 1820.

The same day, the convention proceeded to the consideration of the petition of Brechin, praying for an alteration in the sett of the burgh, which having been read, it was moved by the commissioner for Culross, "That as it is instructed by the petition itself, and by the extracts therewith produced, that there is an unanimous concurrence of the town council of the burgh, and that there is the concurrence of the guildry and incorporated trades, being all the parties interested in the proposed alteration, and that as the measure is in itself reasonable and expedient, the prayer of the petition be granted." Which motion having been seconded, it was moved by the assessor for Wick and seconded "That, according to the precedent which took place last year in the petition of a similar nature for Arbroath, and which has again been delayed, upon motion by the present convention, the present petition from a burgh of the same district be also delayed." And a vote having been put, twenty three burghs voted for the first motion and twenty for the second; whereupon the convention granted and hereby grant the prayer of the said petition of the burgh of Brechin, and altered and hereby alter the sett of the burgh as follows, viz., That instead of the council electing the dean or representative of the guildry and one of the trades councillors as heretofore, the guildry and trades respectively (the latter through the medium of the old deacons or delegates from them yearly) shall elect those members of council themselves; and appoint the said alteration to be carried into effect in the manner pointed out in the said petition, which, with the productions is ordered to be recorded after the minutes of this convention, and the above alteration to be inserted in the record of setts.

BURGH OF NAIRN.

NAIRN.

Sett of the burgh of Nairn, ordered to be recorded by the 16th act of convention 1821.

At a meeting of the town council of the burgh of Nairn, held at Nairn the

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* See sett of the burgh of Brechin, *antea*, p. 194.

NAIRN.

twenty sixth day of September one thousand eight hundred and twenty. Present—Sir William Gordon Gordon Cumming of Altyre and Gordonstown, baronet, provost, William Robertson, John Ore and Roderick Mackenzie, bailies, Mr Alexander MacBeath, dean of guild, Mr Daniel Fraser, treasurer, and Charles Lenox Cumming now Charles Lenox Cumming Bruce, esquire, Mr Donald Smith of Plewlands now at Inverness, John Cumming, esquire, banker at Forres, Captain James Rose, royal navy, Nairn, Major General William Grant of Tanachie, and Francis Smyth of Waterford, esquire, councillors, being a majority of the town council of the said burgh. The magistrates and council, considering that they have been required by the convention of boyal burghs to furnish the sett of this burgh, find that there is no written sett of the burgh extant, but that according to the use and wont for the last forty years the magistrates and council of this burgh have consisted of a provost, three bailies, a dean of guild and treasurer, with from thirteen to twenty three councillors, the number varying betwixt these in different years, but that the number generally was from seventeen to twenty one; that the old council chuse the new, and the latter elect the office-bearers; that by a judgement of the Court of Session, of date the twenty seventh July one thousand seven hundred and eighty five, following on a remit from the House of Peers, it was decided that the bailies and office bearers of the burgh ought to be elected and chosen from amongst the real and resident burgesses thereof, but that such residence was not a necessary qualification of the persons to be elected provost or other councillors of the burgh; which judgement has been observed in all succeeding elections. And the magistrates and council authorize their clerk to furnish the clerk to the convention with an extract of this minute as expressive of the sett of this burgh.

Extracted furth of the council by me.

(Signed) JOHN GUNN, Clk.

DORNOCH.

BURGH OF DORNOCH.

Sett of the burgh of Dornoch, ordered to be recorded by the 16th act of convention 1821.

At a meeting of the provost, magistrates and town council of the royal burgh of Dornoch, held at Dornoch the twenty first day of December one thousand eight hundred and twenty. Present—Angus Fraser, esq., George Jaffray, esq., Angus Leslie, esq., Thomas Gordon, esq., bailies; William Rose, esq., dean of guild; Patrick Sellar, esq., treasurer; Francis Suther, esq., George Sutherland Taylor, esq., Alexander Craig, esq., councillors, being a majority of the town council of the said burgh. The magistrates and council of the said burgh, considering that they have been lately required by the convention of the royal burghs to furnish the set of this burgh, Find that there is no written set of the burgh in their records, although they understand that by a royal charter in favour of the burgh, dated the fourteenth day of July sixteen hundred and twenty eight, granted to them by King Charles the first, power is given to elect a provost, four bailies, dean of guild, treasurer and twelve councillors; find that according to the immemorial usage and as long as the records of the burgh are extant, the power conferred by the above charter has been so far altered as that eight councillors have been always chosen in place of twelve, so that according to use and wont the council of this burgh consists of a provost, four bailies, a dean of guild, a treasurer and eight councillors; that the old council chuse the new, including the office-bearers; that at each Michaelmas or annual election four members at least of the whole council go off, and an equal number of new persons come on in their place in the new council; that with this proviso there is no objection to the same person or persons continuing provost, bailie, dean of gild, treasurer or councillor for the whole period of his life; and that no particular qualification is necessary for any situation in the council, either as to residence within the burgh, or being an heritor within the burgh, or being a trafficker there; and the magistrates and council ordain this minute to be recorded in the burgh register, and authorize their clerk to furnish the clerk to the convention with an extract hereof.

Extracted from the records by

(Signed) Wm. Taylor, T. Clk.

BURGH OF ABERBROTHOCK.*

Aberbrothock.

Act of convention altering the sett of the Burgh of Aberbrothock, 12th July 1821.

The committee to whom the petition from Arbroath was remitted, reported that the prayer of the said petition might be granted, and an alteration made in the sett of that burgh in the following terms:—That the first four vacancies which shall occur in the town council of Aberbrothock, by death, resignation, or otherwise, shall be appropriated for the admission of a like number of members from the guildry and seven incorporated trades, to be elected annually in the following manner, viz., that each of these respective bodies at the election of their office-bearers shall nominate four of their members as candidates, and at the commencement of the business on the day of election of magistrates and councillors, shall give in to the town council a list of the persons so nominated; at which time, and from each of the lists so presented, the town council shall elect two persons to the office of councillors, who, when elected, shall become constituent members of the town council for the ensuing year, and shall have power along with the other members of council to fill up any vacancies in the council that may have occurred in the course of the preceding year. That in case the whole four vacancies in council do not occur at one time, the first shall be filled up from the guildry, in the manner above expressed, the second from the trades, and so on alternately till the whole be admitted. That similar lists of two names for every one of the members to be elected from the guildry and incorporated trades as aforesaid shall at every subsequent annual election be given in to the town council by these bodies; and if the members elected from the previous lists for the preceding year shall be again made choice of, they will remain members of council for another year; but if any other persons shall be elected from these lists, then the members formerly admitted must retire from the council accordingly, as soon as the new members are elected; it being declared that in case the guildry and trades refuse or neglect to nominate the number of members required at the time appointed, then it shall be in the power of the council to elect such members as they chuse conform to the sett and former practice of the burgh. " Whereupon the convention having considered the said petition and minutes produced therewith and the above report, in respect of the unanimous consent of all having interest, approved of the said report, altered the sett of the burgh accordingly, enacted and declared in terms thereof, and ordered the said original petition and consents produced therewith to be recorded after the minutes of this convention. The commissioner for Aberdeen dissented, as considering it to be illegal and unconstitutional in the convention to innovate or alter the sett of a royal burgh in any circumstances whatsoever, and the commissioner for Perth dissented because the alteration was not in precise conformity to what was asked by the petitioners."

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* See sett of the burgh of Aberbrothock, *antea*, p. 208, 279.

INVERARAY.

BURGH OF INVERARAY.

Sett of the Burgh of Inverary. Ordered to be recorded by the 15th Act of Convention, 1822.

At Inverary, the twenty first day of August eighteen hundred and twenty one years.

The magistrates and council of this burgh having met in consequence of a requisition from John Irving, esquire, clerk to the convention of royal burghs, for a set of the burgh, the meeting report that the magistrates, consisting of a provost, two bailies and a dean of guild, are annually elected on the twenty ninth day of September by the magistrates and council, from a leet or list given by the Duke of Argyle, in terms of the charter of the burgh, which leet or list contains the names of three persons for each magistrate to be elected. By the charter of the burgh four baillies may be elected, but it does not appear from the records that more than two at a time have ever been in office. The councillors, consisting of twelve burgesses, are annually chosen by the magistrates and council immediately after the election of the magistrates and on the same day. This has been the practice for time immemorial.

INVERARAY.

Extracted furth of the council record by me

(Signed) DUNCAN FLETCHER, Clk.

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